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PROSELYTISM

IN THE TALMUDIC PERIOD

BY BERNARD J. BAMBERGER, D.D.

Hebrew Union College Press, *Cincinnati*, 1939

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TO

DR. JACOB Z. LAUTERBACH

FOREWORD

The publication of this book inaugurates a new activity of the Hebrew Union College. In 1934 the authorities of the College authorized the *Hebrew Union College Alumni Publication Series* to make possible the publication, under the auspices and supervision of the College, of works by its Alumni of scientific merit dealing with specifically Jewish themes. Adequate scholarly standards are safeguarded by the provision that manuscripts submitted for publication must receive the approval of two members of the College Faculty and of one properly qualified representative of the Alumni Association.

This work is the first of this *Hebrew Union College Alumni Publication Series*. Its appearance signalizes the hope, as well as the promise, that it will be followed by other studies of similar character, and that the Alumni of the Hebrew Union College will thus be enabled to contribute worthily to the development of the Science of Judaism in America.

Just here lies the significance of this new project. The Science of Judaism was cradled in Germany and the neighboring states of Central Europe, and there until very recently it had its true home. There it was assiduously cultivated by eminent, professional Jewish scholars and by learned Rabbis devoted to the ideal of Jewish scholarship. Recent tragic events, however, have sounded the death knell for the Science of Judaism in the lands of its birth. Unless it can find a new home in a propitious environment it is doomed. And if the Science of Judaism be doomed, then Judaism itself, as a religion of enlightenment and progress, must be doomed with it. For during the full century since its inception the Science of Judaism has furnished the only legitimate stimulation and the only authoritative guidance to the continuous evolution of Judaism in the complex modern world along the straight

line of its historic unfolding and expansion through all the centuries and millennia of its existence. Precisely this is the basic task of the Science of Judaism. And without this stimulation and this guidance, left to follow only a haphazard program of momentary impulse and expediency, Judaism must inevitably go off on some tangent or other and soon cease to be itself, to be true to its genius and its historic tradition, and so must perish completely. And without Judaism, a living, progressive, creative Judaism, not only the Jewish people but also all mankind itself must lose character, purpose, vision, and hope of ultimate salvation.

Only the democratic nations offer any promise at all of a new home for the Science of Judaism; and among them two in particular, Palestine and America. Very many of the Jewish scholars and learned Rabbis of Germany and Italy are now seeking entry into the United States, and many will undoubtedly succeed in their quest and will carry on here, in a freer and more generous environment, their rudely interrupted scientific research. But this alone can not preserve, much less foster, the Science of Judaism in America; for when these scholars and Rabbis will have finished their work and gone their way what will then become of this beloved and gracious Science, unless we can raise up a new generation of Jewish scholars of authority and Rabbis, learned in and contributing to the enrichment and expansion of Jewish lore, from our own midst and imbued with our own spirit?

The task of our various institutions of Jewish learning and the role which they must play together, in friendly and high-minded cooperation, for the upbuilding of the Science of Judaism through future generations here in America is self-evident. But this task can not be performed solely through the researches of the members of their several Faculties and of others connected with them in one professional capacity or another. A role of like importance must be played by their Alumni. A learned and

scholarly Rabbinate is indispensable if the Science of Judaism is to have any hope and any achievement here in America.

This learned and scholarly Rabbinate must serve a double function. On the one hand, it must contribute its utmost share to the progress of the Science of Judaism and to the expansion of its range and content. But on the other hand, and of at least equal importance and necessity, it must mediate between the Science itself and its professional devotees and servants and the general, Jewish, lay public. For, regardless of how faithful the service and how rich the contributions to the Science of Judaism of both professional scholars and learned Rabbis, without an intelligent, understanding and appreciative lay public to accept the fruits of this research and to provide with fitting generosity for further study and discovery and the wide dissemination of the resultant knowledge, the Science itself can have no real application, no transmutation into terms of life and progress, and must perforce remain a mere intellectual plaything, all the devotion to, the labors with, and the creations of which must end in complete futility and vanity. Without a truly learned and scholarly Rabbinate there can be no living, creative Science of Judaism in America.

Among the more than four hundred Alumni of the Hebrew Union College there have been a number of Rabbis of not a little scholarly distinction. In the main, however, the service of the graduates of the College in their respective congregations and communities has been one of active, pioneering, creative endeavor. Many have achieved distinction as outstanding communal leaders and champions of religious and social progress. Some have even come to be recognized as leaders of national and international influence and authority. Many undoubtedly have had both the ability for and the urge towards scholarly research, but of necessity have had to consecrate all their time and energy to what both they themselves and

their congregations have come to regard as their more peculiar and immediate duties.

But now, in the reorganization of Jewish life in America which events, both external and internal, are forcing upon us, a new and equally important duty is being laid upon the Rabbis who have gone and will go forth from the Hebrew Union College, the duty of direct service to the cause of the Science of Judaism and its promotion in America. It is an added duty; for the exigencies of present-day life will not permit the busy and perplexed Rabbi to divest himself of any of the tasks which he has had to assume hitherto. But among his many, overburdening duties this of service to the Science of Judaism will certainly be not the least natural nor the least inviting.

We may scarcely expect that every Rabbi shall become a Jewish scholar in the strict sense of the term. With the majority it must suffice that they have a warm appreciation of Jewish scholarship and mediate it faithfully and constructively unto their lay publics. Only the few will at best possess that rare combination of high intellectual ability, personal inclination and actual opportunity to become productive scholars. But unless there be some such in every future generation of American Rabbis, some few who among their manifold duties, ably performed, find the call to Jewish scholarly research most alluring, then our American Rabbinate will have failed in its full duty and the future Judaism of America will be greatly impoverished and its tradition will become thin and sterile.

Because of these considerations and their far-reaching implications the launching of this *Hebrew Union College Alumni Publications Series* becomes a matter of deep significance. The College itself rejoices therein, for it sees in it the augury of a new and invaluable service, with which, through its Alumni, it will be able to enlarge the range of its service and the quality of its achievement in behalf of Judaism in America.

It views with satisfaction too the fact that this first

publication in this *Series* is the work of one of the most distinguished of its younger Alumni. Its author, Rev. Dr. Bernard J. Bamberger, graduated from the College in 1926. Because of the very high quality of his undergraduate work and of its promise of future scholarly accomplishment he was upon graduation awarded the Edward L. Heinsheimer Memorial Fellowship, which he held for three years. During this period, in addition to ministering with unusually gratifying success to the little congregation of LaFayette, Indiana, Rabbi Bamberger carried on graduate studies at the College, chiefly in the fields of Rabbinics and Bible. He was awarded the degree of Doctor of Divinity in 1929. In the *Hebrew Union College Annual* of the same year his first scientific endeavor was published, a useful and creditable study entitled "Fear and Love of God in the Old Testament." In the same year he was called to fill the pulpit of Congregation Beth Emeth, of Albany, New York, the very same congregation to which, over three quarters of a century before, the immortal founder of the Hebrew Union College, Dr. Isaac M. Wise, had ministered immediately after his arrival in this country. During the last ten years Dr. Bamberger has served this congregation with ability, devotion and rare distinction. He has won recognition as preacher, teacher, pastor and communal leader and has likewise rendered active, valuable and highly regarded service as a member of the Central Conference of American Rabbis. In every way he has been a busy Rabbi. Yet with all his manifold duties, conscientiously performed, he has managed to so organize his work that he could find time for systematic study in accordance with a carefully planned, annual program and frequently in cooperation with certain congenial colleagues from near-by towns.

The present work is a first-fruit of this scholarly procedure. It was submitted in competition for and was awarded the Kaufmann Kohler Memorial Prize by the Faculty of the College in 1936. Now, after certain slight

revision, it appears as *Hebrew Union College Alumni Publications Series*, I. Its publication is made possible by the generous contribution of members of Congregation Beth Emeth, of Albany, New York, in commemoration of Dr. Bamberger's ten years of devoted and appreciated service to them, and by an equally generous subvention by the Alumni Association of the Hebrew Union College. It is published by the Hebrew Union College with a feeling of deep pride in this worthy achievement of one of its best beloved and most honored sons, with the confident expectation that this promises further valuable contributions by him to Jewish scholarship, and with the earnest hope that its publication may stimulate other graduates of the College likewise to sow abundantly and harvest bountifully in this same fertile field of Jewish scholarship, to the end that here in America the Science of Judaism may flournish anew and Judaism find the vigorous stimulation and the sure guidance which are indispensable to its life, growth and progress everywhere.

JULIAN MORGENSTERN, *President*

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President Julian Morgenstern has taken a deep interest in the work, and it is largely through his good offices that it now sees the light of day. His generous foreword explains sufficiently the history of the undertaking; but I wish to express directly my deep gratitude to the Hebrew Union College Alumni Association and to Congregation Beth Emeth of Albany for providing the funds for the publication.

B. J. B.

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PART ONE

CHAPTER I

INTRODUCTION

1. Significance. Proselytism and missionary activity leading to conversion have a different status in Judaism than in other religions. Whereas Christianity and Islam were from the start universal and world-conquering faiths, in which missionary work was a central and essential element, Judaism began as a national faith, which even after it had been universalized by prophetic teaching, never lost its particularistic color. The idea of making converts only emerges gradually in the history of the Jewish religion; and organized activity for this purpose does not appear to have started until the Maccabean period. After a space of many centuries, during which enthusiastic and successful work of this sort was carried on, external forces led to the decline and ultimately almost to the cessation of proselytizing. As a result the average Jew today supposes that Judaism, if not hostile, is at least indifferent to the reception of converts, and is amazed to learn that we have ever sought converts by propaganda and even on rare occasions by force. This topic is thus of unusual interest, historically; and it is not without practical value. For we still continue to receive additions to the Jewish group from without—chiefly in connection with intermarriage, but not exclusively so—and a better knowledge of Jewish attitudes toward this problem, and of Jewish experiences in meeting it, cannot but be enlightening.

2. Scope. The purposes of this essay are plainly stated in the title originally set for it, "The Rabbinic Attitude toward Proselytization and the Social Position of Proselytes within Jewry in the So-called Talmudic Period." It

is necessary at once, however, to define the limits of our study, for the boundaries of the Talmudic period are not easy to fix. The process of interpretation of the Torah out of which Rabbinic Judaism emerged must have begun when the written Law was completed and officially accepted—no later than the time of Ezra. But Biblical writings were produced for several centuries more. The Biblical and Talmudic periods overlap and cannot be sharply distinguished.

Further there is an important Hellenistic literature contemporary with the early Rabbinic development, much of which bears on our subject. Though in form and, to a great degree, in spirit it is utterly different from the Talmudic writings, and though it reflects conditions very unlike those of Palestine and Babylonia, yet it has many points of contact with the official Rabbinic literature. Philo's homilies contain many striking parallels to the aggadah; and one could hardly present the Talmudic material on the rulers of Adiabene (for example) without reference to Josephus.

To meet this situation, I shall proceed as follows: The origins of proselytism in the Biblical period will be briefly traced. (It would be most interesting to enter more fully into this phase, but the subject bristles with critical difficulties—the whole Ezra problem is involved—and is, I believe, the province of the Biblical specialist.) Then we shall consider the beginnings of the missionary movement in Judaism, records of which are preserved chiefly in Hellenistic writings. These matters will be included in the introductory section; and in dealing with them, I shall lean heavily on secondary sources. This field has been thoroughly traversed by both Jewish and Christian scholars; and if anything new can be added, I have not the equipment to do so. The main body of the essay will be devoted to an exhaustive study of the material to be found in Talmudic literature—Mishnah, Tosefta, the two Gemaras, and the earlier and later Midrashim. In

the course of this presentation, pertinent material from Jewish Hellenistic sources, as well as from Gentile authors of the period, will be introduced. Thus the main emphasis will be laid on the official sources of Judaism, the Talmudic literature, but all contemporary writings that bear on our topic will receive at least brief notice.

There is similar indefiniteness as to the *terminus ad quem*. The Babylonian Talmud was practically complete before the year 500 of the present era. A number of the Midrashim, however, date from Gaonic and even later times. For the most part these works consist of old material that originated in the classical Rabbinic period, or else they closely copy the style of the earlier aggadah; and the names of the Talmudic Rabbis appear in them constantly. It has seemed proper, then, to quote freely from the Midrashim, except when they appear to reflect conditions or thought currents that are definitely later than and different from those of the Talmudic era.

3. Literature.[1] Our subject has engaged the attention of many previous writers, both Jewish and Christian. None of them has exhausted the subject; and many of them have misrepresented it. This is especially, though not exclusively, true of Christian writers. Starting with a false picture of the Pharisees as narrow, exclusive and misanthropic and of Rabbinic Judaism as antithetical to Christianity in every way, they have concluded that the Rabbis must have been hostile to proselytes and proselytizing, and have adjusted facts to fit their theories. I have not considered the works of the older Christian writers, such as Basnage and Buxtorf.[2] But even more modern scholars, presumably equipped with the methods of scientific criticism and freer from the *odium theologicum* than their forbears, display both ignorance and prejudice. Thus, Schuerer's chapter[3] on the subject is most unsatisfactory. Bertholet's well known book *Die Stellung der Israeliten und der Juden zu den Fremden*, admittedly an excellent

work so far as the Biblical and Hellenistic periods are concerned, concludes with a chapter on the Rabbinic period which is full of gross misstatements. Bertholet has been corrected by Lévi and Bialoblocki—see below. In both these instances, the difficulty is no doubt due in part to prejudice, but even more to the fact that these writers were unable to utilize the sources at first hand.

The same strictures apply to "Die Heidenbekehrung im Alten Testament und im Judentum" by F. Sieffert, and to the articles on *Proselytes* in Hastings' *Dictionary of Religion and Ethics* (Cruikshank), in the Schaff-Herzog *Encyclopedia of Religious Knowledge* (von Dobschütz) and in the *Encyclopedia Biblica* (W. R. Smith and Bennett)—all of very slight value. (The article by Porter in Hastings' *Dictionary of the Bible* does not discuss the Rabbinic material, but is excellent for the period it treats, and gives a very full discussion of the Hebrew and Greek terms for proselyte.)

I have found only two works written by non-Jews on this subject that are really important. The Strack-Billerbeck *Kommentar* contains a well selected group of Rabbinic utterances regarding converts and conversion, correctly translated, and attached to Matthew 3.6, 5.43, 23.15 and Acts 13.16. The authors also interpret the Rabbinic attitude, for the most part correctly.

Still more valuable is the chapter on "Conversion of the Gentiles" in George Foot Moore's great work on Tannaitic Judaism.[4] Moore's extensive knowledge of Rabbinic literature and equally, his fine understanding of its spirit are here displayed. Except for a few details, Moore's work needs no correction, although he has far from exhausted the field.

An interesting example of the way in which prejudices persist is Derwacter's *Preparing the Way for Paul: The Proselyte Movement in Later Judaism.* The bias of the author is reflected in his title, as much in the second part—with its easy assumption that the rise of Christianity was

the twilight of Judaism—as in the first. Now Derwacter admittedly utilized the work of Moore and Strack-Billerbeck, being unable to use Rabbinic sources himself, and also quotes some of the Jewish writers on the subject. Yet, in the face of his own authorities, he declares (pp. 138-152) that early in the Christian era the Jewish proselyte movement declined, due to several causes, but chiefly to the resurgence of narrow Jewish nationalism! Such is the power of preconceived notions to disregard the facts.

It must be added that Jewish authors likewise seem to suffer from preconceptions on the subject, either borrowed from Gentile writers or perhaps reflecting the indifferent attitude of more recent Judaism toward proselytism. But for the most part, they present the theme more satisfactorily. Among the first to treat the subject was Dérenbourg in his *Essai sur L'Histoire et la Géographie de la Palestine* (pp. 220-229). Graetz likewise has a useful treatment of the subject in his history[5] as well as a special essay, "Die Jüdischen Proselyten im Römerreiche," of highly original content. While dealing to a large degree with non-Rabbinic sources and with events in the Diaspora, the essay contains many illuminating remarks on the Talmudic aspects of the subject.[6] Graetz has also written a number of monographs on special phases of our topic, always ingenious even when unsound, to which reference will be made in the proper place.

Isaac Weil's *Le Prosélytisme chez les Juifs selon la Bible et le Talmud* is the work of a devout but most unscientific student. The tone is homiletic-apologetic. The first part of the book, a "historical survey," is completely uncritical. It is followed by the first and—up to the present—the only systematic presentation of the halakah on the subject of converts and conversion. Weil cites in this connection some interesting parallels from Roman and French law. This pioneer attempt, though imperfect and marred by the author's lack of objectivity, has been of considerable use to me. But it must be used with great caution.

Of first rate importance is a series of articles on "le Prosélytisme Juif" published by Israel Lévi in *REJ*. Most of the sections deal with specific phases of the topic; the longest and most valuable is the second part, entitled "Les Rabbins de l'Epoque talmudique étaient-ils favorables ou hostiles au prosélytisme?" This section appeared later in Hebrew translation in the periodical *HaGoren*.[7] This essay is a complete refutation of Bertholet and other writers who had represented the Rabbis as characteristically hostile to proselytism, and contains many useful remarks on matters of detail.

A novel theory of the rise and spread of missionary activity is contained in Klein's study of the Didache. Highly valuable is the more recent monograph of Bialoblocki, which corrects many previous misconceptions; unfortunately his references to the sources are inexact.

There are two first-rate sketches of Jewish proselytism from earliest times to the present. One is the brilliant monograph by Samter, "Judenthum und Proselytismus"; the other the article by Felix Goldmann on "Proselyt" in the *Jüdisches Lexikon*. Emil G. Hirch's article in *JE* is incomplete, unsystematic, and in places inaccurate; that by Eisenstein in the *Ozar Israel* is second-rate, and that of Hamburger in his *Real-Encyclopädie* (Vol. II, pp. 940 ff.) altogether misleading. There is a brief and reasonably good historical survey of the subject in Felsenthal's "Zur Proselytenfrage." Zwi Kasdoi in the second edition of his book *HaMithyahadim*, which deals chiefly with the Russian Judaizers, attempts to present the Jewish traditional background of his subject (pp. 237 ff.). The material is given in unsystematic fashion; references are often wrong, sometimes even to non-existent passages. The chapters on our subject in Guttmann's *Das Judentum und Seine Umwelt* are adequate, but not original; they are largely based on Lévi's work. There is a useful chapter—dealing chiefly with the origins of proselytism—in Kaufmann's *Golah ve-Nekar* (Vol. I, pp. 208 ff.).

The attitude of the Roman law to proselytizing by the Jews is set forth admirably by Juster in his notable work *Les Juifs dans l'Empire romain* (Vol. I, pp. 253 ff.). Juster also furnishes an excellent bibliography for our topic.

In addition there are numerous articles and books on special phases of the subject, to which we shall have occasion to refer. I must add that while many of the works just reviewed are full of mistakes—it is surprising how much this subject has been misunderstood even by great scholars—there is hardly a book which I have consulted without finding something of value. My chief obligations, of course, are to Moore and Lévi.

4. Method. From what has been said in the preceding section, it is clear that there is room both for supplementing and correcting previous studies of this subject. I have made the attempt to include—at least by way of reference—everything in Talmudic literature pertinent to our subject. While I do not doubt that a number of references have escaped me, I have at least aimed at completeness. Only when we have all the evidence can we form an unbiassed judgment.

Special attention has been given to the halakic material, which has been comparatively neglected by writers on this theme. In particular, little or nothing is said as a rule about the status of proselytes in the Jewish community *after* their conversion, although the various aspects of this question occupy a considerable place in the Rabbinic writings. When moreover, halakic questions are touched upon, they have been frequently confused rather than elucidated, as we shall see a little later. When I began this study, I supposed that it was the first attempt to bring together the entire Rabbinic law on this subject; after most of the material was collected, I discovered that the pioneer attempt had been made by Weil, whose work, strangely, is not even mentioned by most of the later

writers. But, as stated above, Weil's treatment of this phase is by no means final.

The halakic material is of primary importance because it represents the official Jewish attitude. The aggadic material is of a more personal character. Frequently, aggadic opinions represent the view of an individual, which his contemporaries did not share. Sometimes the individual was ahead of his generation in vision and idealism; sometimes he might manifest prejudices and idiosyncrasies from which his colleagues were free. An aggadic statement gives us authoritative information as to "the Rabbinic viewpoint" only if it was generally held by the outstanding teachers of the age, or at least if it is compatible with generally accepted teachings. Otherwise it may only reflect the opinions of a single scholar.

But the halakic norms are impersonal: generally speaking, they express the viewpoint of Judaism, not of Rabbi So-and-so. The halakah avoids the extremes of the aggadah. It does not reduce to legal formulae the highest flights of idealism: "We do not make a decree which the majority of the community are incapable of obeying." (BK 79b.) But it is likewise free from superstitious and other questionable elements frequently found in the aggadah. In short, it is the most reliable source both for Rabbinic attitudes and for actual conditions of life.[8]

To this there must be one qualification. Not all the halakah was actually practiced. Certain phases of the law (punishment of capital crimes, sacrifice) became obsolete early in the Talmudic age. The scholars continued to study them, but theoretically, and ofttimes in the idealistic and impractical vein of the aggadah. Such material is of secondary importance in comparison with halakah that was actually in force. The usual test is whether the literature contains instances in which a given law was invoked or questioned.

In our halakic section the attempt has been made to reproduce or refer to all halakic material in the sources

(including where necessary the later codes) that concerns proselytes. This material is analyzed and classified. Where it is found to shed light on our basic theme, it is handled with all possible thoroughness. Much of this material, however, proves on examination to have only incidental connection with our theme. Where the legal problems are remote from our present concern, the treatment is more summary, but in any case, tolerably complete references to the sources are provided.

It goes without saying that the aggadic material must also be considered carefully. It falls into two general divisions. First, the directly expressed opinions of the Rabbis about converts and conversion, pro and con. Second, elaborations of the Biblical stories about converts or about Biblical characters whom the Rabbis represent as converts. The aggadic section will not present much of novelty, the way having been traversed rather thoroughly by others; but here again we shall aim at completeness.

Most of the previous writers have dealt, well or ill, with the Rabbinic attitude toward proselytism, but the other phase of our study, the social position of proselytes in Jewry, has hardly been touched. Obviously, there may have been a wide gap between the opinions of the teachers and the actual practice of the community. Were Rabbinic preachments on this subject acted on? Here, the aggadah is of limited value. Our presentation will be based partly on the halakic section, and in part on a study of actual references to converts and to Jews of alien descent mentioned by name or otherwise in the literature. Some of these references will prove to be legendary rather than historical, and might properly be included in the aggadic section. But it seems best to include in one section all converts and supposed converts represented as having lived during the Talmudic age. From the names, incidents, halakic remarks, and allusions thus compiled, we shall have considerable material reflecting the actual circumstances and experiences of converts.

It will thus be seen that I have chosen the inductive method, not only in my own research, but also in the presentation of my findings. The latter will be presented in connected form in the concluding chapter of the essay. (There is also a short summary at the end of the halakic section.) I have done this deliberately in the interest of objectivity, even though a more synthetic presentation is easier to follow. But there has been so much confusion of our subject, and so much that approaches wilful misrepresentation, that I deemed this method necessary. The conclusions are drawn only after the data on which they are based have been set forth as completely as possible. And I make bold to believe that, bolstered up by this wealth of evidence, the basic conclusions as stated are not merely acceptable, but inescapable.

NOTES TO CHAPTER I

[1] See Bibliography.

[2] Incidentally, there are two seventeenth century theses on our subject: *Dissertatio Academica de Proselytis Hebraeorum*, by Jonas P. Linnerius, Giessen, 1683 (based largely on Maimonides); and *Disputatio Ebraeo-Historica de Proselytis Judaeorum ad illustrandum locum Matthaei cap. 23 v. 15*, by Johannes Petermann, Jena, 1651, which I have not been able to examine.

[3] Second Div., Vol. II, pp. 291 ff.

[4] Vol. I, pp. 323 ff., and the notes in Vol. III, pp. 107-114.

[5] Third ed., Vol. IV, pp. 100 ff. and notes.

[6] Similar in character and scope is A. S. Hershberg's Hebrew essay in *HaTekufah*, Vols. XII and XIII.

[7] References to "Lévi" followed by page number are to the Hebrew version, which contains a few corrections.

[8] Lévi, pp. 29 f., argues that the soul of a people is to be found far more in the works of its preachers than in its legal codes—Christianity expresses its spirit more clearly in the Gospel than in the statutes of the Visigoths. But the analogy is faulty. Christian canon law was the work of a small group set apart, not only from the laity, but from a large part of the clergy. But the halakah was bound up with the daily life of the whole people, and occupied the best minds and noblest spirits of Israel throughout the Talmudic period.

CHAPTER II

THE ORIGINS OF JEWISH PROSELYTISM

1. Biblical Material.[1] In the early Biblical period, conversion in our sense of the word did not, and could not, exist. When the religion of Israel was a national religion, it was natural that only the members of the nation should practice it. Of course, one who became a member of the Israelite nation adopted the religion of the country; and even temporary sojourners were for the time being under the protection of the God of Israel. In a famous passage, David expresses the converse view—that he cannot worship his God outside of Palestine, but must serve a strange deity in his exile (1 S. 26.19). It was only as Judaism became a universal, and therefore a unique religion—under prophetic influence—that the possibility of conversion in any other sense than naturalization became possible.

From the time of Jeremiah on, unless the pertinent sections—such as 16.19 f.—are later additions, as some critics hold, the hope is expressed that at some time, near or remote, the heathen nations will see the folly of their ways, will abandon their idols and their astral gods, and cleave to the worship of the one and only God. Deutero-Isaiah conceives Israel as having a special mission, to unite God with His children through service and suffering. Other writers look forward to the establishment of a universal reign of peace through the recognition by all men of God's supreme and universal rulership.

In addition to such broad, but indefinite aspirations, we meet also with the idea that meantime individuals may be attracted to the religion of Israel. Thus the prayer ascribed to Solomon at the dedication of the Temple, a work manifestly Deuteronomic in spirit, speaks of strangers who will

be attracted to the worship of God, and expresses the hope that God will grant the prayers of the stranger, in order that His fame may be spread further and His worship extended.[2]

There are numerous Biblical references, especially in the Psalms, to "those that fear the Lord." In several places, they are a separate category in addition to sons of Aaron, sons of Levi, and sons of Israel. By "those that fear the Lord," scholars have understood either converts to Judaism or else semi-converts, who had become fearers (i.e. worshippers) of the universal God without accepting all the legalistic and ritual obligations of Judaism. So far as the Biblical period is concerned, the material at hand does not permit us to decide which of these interpretations is correct—or perhaps both are correct. At any rate these references do indicate that many non-Jews were attracted to the Jewish faith during the post-Exilic period.[3]

We know from Ezra 9-10 and Nehemiah 13 that there was much intermarriage in Palestine shortly after the exile. This situation aroused the wrath of Ezra and Nehemiah, and as a result of their activity the trend was checked and many of the Jews divorced their foreign-born wives. It is difficult to distinguish the religious from the national elements in this policy of the reformers; they were evidently afraid both of religious and national assimilation. Nehemiah points out that the children of such unions could not speak the Jews' language (13.24); he also declares that God regards marriage with a foreigner as a breach of faith (*ibid.*, v. 27), and Ezra laments the punishment that must befall Israel for thus violating the law of God. They were probably right in their feeling that at this period intermarriage involved real danger to the permanence of the small, struggling Jewish group and its still unsteady religion.

Scholars generally agree that the Book of Ruth was written in protest against the policy of Ezra. It does not deal primarily with the subject of conversion, but is a plea

for tolerance and a defense of intermarriage. It shows that a foreign-born woman *can* assume and fulfill properly the religious obligations which entrance into the Jewish group demands. Here also the national and religious elements are combined: "Thy people shall be my people and thy God my God." Here also we meet for the first time a phrase which, in slightly modified form, becomes almost a technical term at a later date for conversion: "to take refuge beneath the wings of the Lord" (Ruth 2.12).[3a]

There are three Biblical passages of special importance for our theme. Isaiah 56.1-8 is addressed to "the alien that hath joined himself to the Lord" and to the eunuchs. The latter class are assured that through piety they may attain a memorial better than sons and daughters. The aliens are promised that fidelity to God and His covenant will give them an established place in the Temple and its worship, "for My house shall be called a house of prayer for all peoples." Let not any such convert say, "The Lord will surely cut me off from His people." This passage plainly indicates that there were a fairly numerous group of converts, whose position in Jewish life was rather uncertain. Apparently they were treated coldly by some of the Jews, whose influence the prophet was trying to overcome. The dating of Trito-Isaianic prophecies is difficult, and accuracy is perhaps impossible. Biblical critics regard the present section as dating from approximately the same period as Ruth, and as constituting a universalistic protest against the exclusive policy of Ezra. They point out that the passage lays repeated emphasis on the observance of the Sabbath, an emphasis found also in Nehemiah 13 and in Jeremiah 17.19 ff., which come from the same period. But this is somewhat uncertain. Ezra and Ruth are both concerned with the case of Jews marrying foreign women; our passage addresses itself to those who attach themselves to the worship of God and does not even hint at any other motive. The stress on Sabbath observance would fit almost any part of the post-Exilic age.

A second passage of importance is Esther 8.17, which relates that during the triumph of the Jews, "many from among the peoples of the land became Jews, for the fear of the Jews had fallen upon them." We meet here for the first time a term for conversion to Judaism (*mityahadim*) —which probably indicates that when the sentence was written, conversion was a practice sufficiently familiar to have a regular verb to describe it. *Hityahed* is not, however, employed to any extent in later Hebrew.[4] The Book of Esther, as we have it, probably dates from the Maccabean period.

Third, we should mention Ps. 118.10-12: "All nations compass me about; verily in the name of the Lord I will cut them off, etc." The word *amilam* is most unusual and may mean "I will force them to be circumcised." If this is correct, we can hardly doubt that the Psalm is Maccabean and refers to the conquest and forcible conversion of the Idumeans and Itureans. But this is at best uncertain.

In the Bible the word *ger* means a foreigner resident in Palestine. It is frequently joined by "and" to the word *toshab*, meaning the same thing, and usually translated "sojourner." In Rabbinic Hebrew, the term *ger* means an actual convert, although sometimes for the sake of accuracy, the convert is referred to as "righteous convert" (*ger zedek*), "true convert" (*ger emet*), or "convert who is a partner to the covenant" (*ger ben berit*).[5] For the resident alien the Rabbis coin the phrase *ger toshab*.[6]

2. Hellenistic and Related Material. We have seen that before the close of the Biblical period, many heathen were attracted to the religion of Israel and some of them were converted formally. Others apparently attached themselves to the synagogue as "associate members," accepting its theology and moral teachings, and attending its service, without being formally admitted into Judaism or accepting the burden of the ceremonial law. In the literature that dates from the period between the close of the

Biblical era and the classic Rabbinic age, we derive a good deal more information about converts, and what is more, we learn of an organized and intensive missionary movement on the part of the Jews.

How did this trend come about? In the absence of more complete data, we may mention the following elements presumably involved:

a. The decay of Jewish nationality led to greater stress on the notion of the Jewish group as essentially religious. Already in the later sections of Deuteronomy, Israel has become a *Kahal*, in the Priestly Code, an *Edah*. Perhaps these terms did not have the religious connotations they have since acquired; but they were not applied to the nation in its palmy days, when it was a *Mamlakah*.[7] The chief authority in the Persian and Greek periods was vested in the high priest, not a civil ruler. With the lessening of the stress on Jewish nationality and the re-interpretation of Jewish life in religious terms, the way was opened for conversion even of those who were nationally non-Israelite.

b. The triumph of monotheism in Israel had transformed Judaism into a genuinely universalistic religion. We can no longer speak of Jahweh, the national God of Israel; the Torah taught that there was but one God, Creator and Ruler of all. The priestly code, which became the framework of the Torah, however particularistic in some of its attitudes, is thoroughgoing in its acceptance of a universal God-concept. In fact, it represents a fusion of prophetic universalism in theory with a certain amount of nationalism and ritualism in practice. It is true that the Jews continued to feel that they were in special relationship to God, but that was not because some of them dwelt in Palestine—it was because they understood His unity and worshipped Him. Moreover, the lessons of Deutero-Isaiah (traces of which appear in some of the Pentateuchal narratives) were absorbed in part—Israel had a responsibility to bring others into a closer relation to God.

c. The extending diaspora tended to increase Jewish self-consciousness among the colonists in new places. If they did not quickly assimilate and disappear, they were bound, living among entirely different peoples, to clarify their own ideas about their religion, and then in discussion to explain and justify it to their Gentile neighbors. Frequently such contacts seem to have resulted in conversion. According to A. S. Hershberg, Jewish colonists in the diaspora frequently married heathen women, who were by the fact of their marriage accepted in the Jewish fold.[8]

d. The contact of Judaism and Hellenism in particular, must have spurred the Jew, first to apologetic, then to missionary activity. The interest of the Greek in ideas, his pursuit of philosophy, must have led him to examine with some interest the writings and teachings of Judaism. Here was a religion that appeared to be very like philosophy. The Jewish God-concept, and the service of the synagogue, with its stress on instruction—quite comparable to the procedure in some of the Hellenistic schools of philosophy, which under Oriental influence, often assumed a quasi-religious tone—made a considerable impression on some of the Greeks, especially in Alexandria. The decline of the classic Olympian religion led many in that time to a quest for a religion more satisfying both to the emotions and to the reason. While some were drawn to various Oriental cults, and others took refuge in the mysteries, many were attracted by Judaism, which was rational while leaving room for faith, free from the hocus-pocus of the mystery cults, and marked by a strong ethical spirit. The decline of classical religion was accompanied by a general weakening of morality, of which the Alexandrine and Roman writers tell us much. The purity of Jewish life, especially Jewish home life, shone all the more by the contrast.

On the one hand, the cosmopolitanism and tolerance of the Hellenistic world must have encouraged the Jews to present their own religion in its universalistic aspects, and

as favorably as possible. It must have been a source of pride to them that they had by direct revelation a doctrine which the more highly cultured Greeks were only beginning to approximate through the difficult road of philosophy. On the other hand, they must have been moved to protest against the heathenism which was still the official religion of the Greek world, and against the widespread immorality of the age.

Thus it is that we find an extensive propaganda for Judaism in the Hellenistic world, especially in the city of Alexandria.

e. It is generally assumed[9] that the success of the Maccabean revolt led to a renascence of Jewish pride and enthusiasm and directly stimulated the propaganda for Judaism. This is probably true, and in no way contradicts the suggestion above that the decline of Jewish nationalism was a contributing factor. By the time of the Maccabean revolt, the universal character of Judaism had long been established, not only in theory, but practically, as a result of the great diaspora. While, moreover, Jewish nationality was reborn through the Hasmonean triumph, the essentially religious aspect of the victory must not be overlooked. The attempt of recent scholars to stress the political and economic factors is entirely proper, but it must be remembered that the backbone of Judah Maccabee's army was made up of Hasidim, motivated by loyalty to their God and so unconcerned about national greatness that they retired from military service after the redemption of the Temple. They were not only indifferent, but actually hostile to the political ambitions of the later Hasmoneans, who were forced to hire mercenary soldiers, and who often came into open conflict with the people. The Maccabean revolt cannot but have heightened the pride and enthusiasm of Jews for their faith, and inspired them to work for the glorious visions of universal worship of God which they read in the words of the prophets. But in the diaspora, which was not involved

in the Maccabean conflict, the process seems to have been a steady one in any case.

Following the early Maccabean victories, an attempt was made to create a new Jewish empire, chiefly by John Hyrcan. In this connection, the Idumeans were forcibly converted to Judaism (Josephus, Ant. 13.9.1) by Hyrcan; and his son Aristobulus similarly conquered part of Iturea and imposed Judaism upon the vanquished (*Ibid.*, 13.11.3). When certain Moabite districts annexed by Alexander Jannai refused to submit to circumcision, the inhabitants were massacred (*Ibid.*, 13.15.4). These mass conversions were suggested by political expedience rather than religious fanaticism; like Antiochus in his day, these rulers desired cultural uniformity in their empire.[10] Josephus mentions the forced conversions very briefly, and later Jewish sources do not speak of them at all. The unpopularity of the later Hasmoneans, and the disasters caused by Antipater and Herod, Idumeans by birth and quasi-Jews by religion explain this sufficiently. Moreover, the day of Jewish military power was soon over.

All the more did the Jews seek converts by means of peaceful persuasion. An extensive propaganda literature was created, of which we possess some remnants. The most significant of the extant propaganda material is preserved in the so-called Sybilline Oracles—a collection which in its present form contains chiefly Christian documents. In the original Jewish sections (some pre-, some post-Christian) the ancient Sybil of classic myth becomes a fierce opponent of idolatry, a prophetess of monotheism, and an apocalyptic seeress.[11]

Philo also wrote for Gentile as well as Jewish readers, and with missionary as well as apologetic intent. He constantly stresses the rational, humane, moral, and universal character of Judaism, and with such spirit and enthusiasm that he was obviously endeavoring to propagate, not merely defend, his religion. He draws many contrasts between the teachings of Moses and those of the Greek

poets, to the disadvantage of the latter, and likewise contrasts the purity of Jewish home life with the dissoluteness prevalent in Alexandria. The writings of Josephus—especially the second part of the *Contra Apionem*—are also an apologia for Judaism, but they are defensive rather than missionary.

Our sources leave us in no doubt as to the success of the movement. The Book of Tobit (probably pre-Maccabean, but there is still controversy as to the date and place of authorship) relates that Tobit used to contribute, at each visit to Jerusalem to the support of widows, orphans, and proselytes.[12] In the Book of Judith, one Achior, an Ammonite displays great friendship for the Jews, and when they are victorious he is circumcised and converted. (See below, Ch. X, sec. 16.) The book is probably Maccabean. In the "Zadokite Work," we are told that converts constituted a separate class in the polity of the sect.[13]

Josephus speaks repeatedly and with obvious pride of converts to Judaism. He reports that many converts were made in the vicinity of Antioch (War 7.3.30), and that most of the women in Damascus were inclined to Judaism (*ibid.*, 2.20.2). Among the converts mentioned by name is a Roman noblewoman, Fulvia by name, who was defrauded by some dishonest Jews, and whose husband persuaded Tiberius to banish all Jews from Rome (Ant. 18. 3.5). The Herodian family insisted on the conversion (including circumcision) of those with whom they intermarried. A match between Salome, Herod's sister, and one Sylleus of Arabia was broken off because he would not agree to this condition (*ibid.*, 16.7.6). The same thing happened in the case of a match between Epiphanes son of Antiochus and Drusilla, a sister of Agrippa II. Drusilla later married Azizus, King of Emesa, and her more famous sister Berenice married Polemo, King of Cilicia—in each case only after the bridegrooms converted. The subsequent careers of both women indicate, however, that the requirement was one of the traditions of the dynasty,

and not due to the zeal of the women themselves. After Berenice left him, Polemo renounced his Judaism (*ibid.*, 20.7.).

A detailed account is given by Josephus of the conversion of the royal family of Adiabene, the most signal success of the Jewish missionary movement (*ibid.*, 20.2-4). The continued loyalty of the Adiabenians in the days of the revolt against Rome is also mentioned several times. (War 2.19.2; 6.6.4. Concerning these royal proselytes, see below, Ch. XI, sec. 3.) Josephus also mentions that Poppaea, Nero's wife, was favorably disposed toward the Jews (Life 3; Ant. 20.8.11), but it is improbable that she was really a convert.

In the *Contra Apionem* (2.10) this author speaks of the many Greeks who have adopted the laws of Judaism; some, he says "have remained faithful, while others, lacking the necessary endurance, have again seceded." Later in the same work (2.39) he grows eloquent on the extent to which Jewish doctrines and customs have spread in the world: there is no city where the Sabbath and other Jewish ceremonials are not generally observed; and Jewish harmony, charitableness, industry, and fidelity to their religion have been widely emulated. The large number of Judaizers and semi-converts is mentioned also with regard to Syria (War 2.18.2), and on the authority of Strabo, regarding Egypt and Cyrene.[14]

Philo also refers to the widespread influence of the Jewish religion in his day, and especially to the universal respect paid to the Sabbath and the Day of Atonement.[15] He likewise makes frequent reference to actual proselytes, whom he praises for their zeal in abandoning old errors, and for the ethical transformation that they display after conversion; and he demands for them the equal rights to which they are entitled, as well as the special consideration and friendship of born Jews. Philo's opinions on this subject so closely resemble those of the Rabbis that we shall quote them at length later on.[15a]

Many scholars believe that a manual for the instruction of proselytes was prepared in the pre-Christian period. This manual, known as the "Two Ways" and largely ethical in content, with an eschatological conclusion, became the basis of the early Christian work known as the *Teaching of the Twelve Apostles*. The Jewish origin of the *Didache*, first suggested by Charles Taylor, and afterwards adopted by Harnack, has found wide acceptance. Kohler, A. Seeberg, and most fully, G. Klein have pointed out numerous parallels to the work in Rabbinic literature; and the last named has made this little book the center of a new theory regarding the proselyting movement.[16] In the most recent publication on the subject that I have found, J. Muilenberg returns to the view held previously by such authorities as Schaff and Harris, that the Jewish ideas and expressions in the Didache are derived from the background of the author, but not from a single literary source. He argues very tellingly that there are almost as many Jewish parallels to the admittedly Christian sections of the work as to the "Two Ways." Without venturing an opinion on the origin of the Didache, I must point out that this possibly Jewish document is not a solid enough basis for the elaborate theories which Kohler and Klein have attached to it.[17] But even if it should be demonstrated that the "Two Ways" was not originally a Jewish conversion manual, it is highly probable that such a manual or manuals were in existence. (See Ch. X, n. 113.)

The success of Jewish missionary work is also attested by classical authors, who refer—generally with considerable bitterness—to the ubiquitousness of the Jews and the number of their proselytes. This material has been assembled repeatedly, and need not be reproduced here.[18]

Converts to Judaism appear frequently in the New Testament. Of great interest is the famous taunt ascribed to Jesus: "Ye compass land and sea to make one proselyte; and when he is become so, ye make him twofold more a son of hell than yourselves" (Matt. 23.15). This verse

has evoked such a diversity of interpretation that we shall devote a special chapter to it. We learn also of Jewish proselytes among the audiences of Paul and other apostles (e.g. Acts 13.43) as well as of semi-converts, "those who fear the Lord" (*ibid.*, v. 16,26).[19]

To sum up: during the period of the Second Temple, there was a vigorous missionary movement in Judaism, both in the Diaspora and in Palestine. Converts were eagerly sought, and they were obtained in large numbers. This is generally agreed on by all students. The question now presents itself: what was the attitude of the Pharisees and their successors, the Rabbis, on this matter? And what was the history of Jewish proselytism in the days of the Mishnah and Talmud? To answer these questions, we shall now examine the Rabbinic material on our subject.

NOTES TO CHAPTER II

[1] See Samter, pp. 2-6.

[2] Samter, p. 5, sees in the story of Naaman the first case of religious conversion apart from naturalization. Cp. n. 3a below and Ch. X, sec. 13.

[3] See Bamberger, "Fear and Love of God in OT," *HUC Annual*, Vol. VI, p. 42 f.

[3a] Kaufmann interprets the conflicting views in this period as due to the transition in Jewish life from a predominantly national to a predominantly religious character. The foreign wives could no longer be assimilated as regards nationality; and the expedient of religious conversion had not yet been thought of. (*Golah VeNekar*, Vol. I, pp. 234 ff.) In his new work on the Pharisees, Louis Finkelstein tries to distinguish between an aristocratic nationalism which was hostile to converts and a plebeian outlook which was universalistic and favorable to proselytes. This class distinction is questionable for the period of Ezra. But the attempt to show that such differences on our theme continued in Talmudic times is based on misconceptions. See *The Pharisees*, p. 515 f., where the view of Shammai, R. Eliezer and others is misrepresented. Cp. below, Ch. XIII, pas.

[4] Perhaps the word really means, not to convert, but to pretend to be a Jew, just as *mit'asher* means "to feign to be rich." This ex-

planation accords with the Rabbinic view of the subject: below, Ch. X, sec. 19.

[5] Moore, Vol. I, p. 338.

[6] See below, Ch. VII, sec. 2. According to Bertholet (pp. 176 ff.), the change in the meaning of *ger* occurred in the late Biblical period; the new meaning "proselyte" is found for the first time in II Chr. 30.25. But the passage is hardly conclusive. Tchernowitz (*Toledoth HaHalakah,* Vol. I, pp. 290 ff.) argues that the distinction between *ger zedek* and *ger toshab* goes back to pre-Exilic times; his arguments are not convincing, being in fact but incidental to a general attack on Biblical criticism. It is true, of course, that from earliest times the *ger* was under the protection of the god of the land.

[7] Bialoblocki, pp. 21 ff., has somewhat similar views regarding a later period.

[8] Hershberg, p. 132. H. claims to have shown elsewhere that in the earlier days there was no formal conversion for women, who automatically accepted the religion of their Jewish husbands. He does not state where he has published this proof; in any case we need not doubt that when Jewish colonists married foreign women, they or their children often became Jews.

[9] See Samter, p. 6 ff.

[10] Derenbourg, *Essai,* p. 227, points out that these conversions were political; but mistakenly argues therefrom that the later Jewish teachers had no great desire for religious conversions. Bialoblocki, 13-15, who agrees that the motive for the enforced conversions was political, deduces from the praise of John Hyrcan in Pseudo-Jonathan Deut. 33.11 (which passage must date from before his break with the Pharisees) that the Pharisaic leaders at first approved of his policy of force. Later, the rise of the Herodians opened their eyes to the dangers of political proselyting, and led them to employ only spiritual methods. But it is hazardous to argue from the phrase "May the enemies of John the High Priest have no foot to stand on" that the Pharisees specifically approved of the forcible circumcision of the Idumeans. Perhaps they did, but Bialoblocki has not proved it. The very text of the Targum is questioned by Mann, who refers to Soferim 20.8 and Müller's n.

[11] Other writings of more or less similar intent are the Letter of Aristeas and the poem of Pseudo-Phocylides.

[12] Tobit 1.8. But perhaps this is just an echo of the Biblical phraseology.

[13] Zad. Work, 17.1 ff. This document seems to be a product of the first pre-Christian century.

[14] Ant. 14.7.2. For the sake of completeness we may also mention the case of Metilius, commander of the Roman garrison in Jeru-

salem whose life was spared when he offered to convert (War 2.17.10), and of two noble refugees from Trachonitis, whom the people of Sepphoris would have compelled to be circumcised, had not Josephus himself intervened. (Life 23.) Cp. Bialoblocki, p. 7. No conclusions should be drawn from such incidents as to normal Jewish doctrine or practice. In both cases the people were inflamed by the passions of war.

[15] Vita Mosis II, 4, Yonge, Vol. III, p. 78.

[15a] Below, Ch. IX, nn. 20-24. *Here and frequently throughout this work, cross references given by Ch. and n. apply also to corresponding passages in the text.*

[16] Klein supposes that Jewish missionary activity arose as the extension of a universalistic tradition that goes back to the prophets. While the priestly standpoint was ritualistic and nationalistic, the prophetic view was broadly ethical. The two tendencies are combined in the Deuteronomic and priestly codes; but in the "wisdom literature" the universal ethical message of the prophets is carried on in a purer form. The lineal descendant of the wisdom literature is the "Derek Eretz" teaching of the Rabbis. In the days of the Second Temple, missionaries went forth to teach this ethical doctrine (and also some eschatological ideas) to the heathen world. Their aim was to reform mankind, not to make technical converts. Only after the rise of Christianity did Judaism seek formal proselytes. (See the summary, pp. 239 ff.)

It should be observed that the distinction between the particularistic legal and the universal ethical tendencies cannot be fully maintained. The halakah contains many universalistic elements; and Ecclesiasticus and the Wisdom of Solomon (which belong to the wisdom literature just as much as Ecclesiastes) contain much that is particularistic. The existence of post-Talmudic treatises on Derek Eretz does not prove the existence of a school of teachers devoted to this theme in the pre-Christian period. Moreover, Hillel the great universalist, whose popular aphorisms are strongly reminiscent of the wisdom literature, is one of the chief figures in the development of Pharisaic legalism. Klein's thesis is dependent on the view that the "Two Ways" was a Jewish document composed for missionary purposes; and this at best is doubtful.

[17] The literature on this little work, first published in 1883, is enormous. The older literature on the subject is conveniently summarized in Philip Schaff's edition of the *Didache*. Harnack's views appear in convenient form in his article *Didache* in Schaff-Herzog, Vol. III, p. 420 ff. See also Kohler in *JE*, Vol. IV, p. 585 ff. and *The Origins of Synagogue and Church*, p. 161; A. Seeberg, *Die Didache des Judenthums und die Urchristenheit;* G. Klein, *Der Alteste Christliche Katechismus und die Jüdische Propaganda-*

Literatur; J. Muilenberg, *The Literary Relations of the Epistle of Barnabas and the Teaching of the Twelve Apostles.* See below, Ch. XIII, n. 89.

[18] See Radin, *The Jews among the Greeks and Romans,* which makes full use of T. Reinach's *Textes d'auteurs grecs et latins rélatifs au Judaisme*; Lipman's article, *Classical Writers and the Jews,* in *JE,* Vol. IV, pp. 107 ff. and Hirsch, *ibid.,* Vol. X, p. 221; Moore, Vol. I, pp. 325 ff.; and the works of Weil, Hershberg, Schuerer, etc.

[19] Regarding Aquila of Pontus (Acts 18.4; Romans 16.3; II Tim. 4.19) see Ch. XI, n. 72.

PART TWO

THE HALAKAH REGARDING CONVERTS AND CONVERSION

CHAPTER III

REQUIREMENTS FOR ADMISSION

1. Unreserved Acceptance of the Torah. (WEIL, P. 59.) A baraita runs: "A convert who has accepted all the words of the Torah except one is not to be received. R. Jose b. R. Judah says: He is to be excluded if he rejects even one small word of the Scribal minutiae."[1]

There is no contradiction between this halakah and the stories of Hillel related in Sab. 31a. Here we are told of a heathen who would accept the written but not the oral Torah, and of another who would convert only if he might become high priest. These candidates were contemptuously rejected by Shammai; Hillel accepted them and tactfully showed them the error of their ways. The stories merely illustrate the kindliness and tolerance of Hillel, who led the heathen to the truth by indirect methods. But there is no reason to suppose that he formally admitted them to Judaism until they were prepared to accept the entire Torah.[2]

R. Jose b. R. Judah lived after the Hadrianic persecution; and Samter[3] sees in this present rule an instance of the less friendly attitude toward converts which existed from that time on. This interpretation is based on a notion, to be refuted later, that prior to the revolt against Hadrian, notable concessions were made to converts in matters of ritual observance. Once this is disproved, the contrast between pre-Hadrianic and post-Hadrianic attitudes breaks down. We need not doubt, however, that the rise of Christianity (this, more than the war with Rome, was the determining factor) led the Rabbis to stress the halakic requirements of Judaism and the Oral Law more explicitly. Monotheism and ethical conduct were no longer unique characteristics of Judaism; and

Pauline Christianity carried on a bitter polemic against legalism. Under such conditions it was dangerous to admit as converts monotheists whose attitude toward the Law was indefinite. The danger was all the greater because the distinction between Jews and Judaeo-Christians was still incomplete, and some of the latter became traitors and informers.[4]

There is no evidence here that the Rabbis became less eager for converts or less friendly to them. But they wisely refused to admit into the Jewish fold any who could not give unreserved adherence to the Torah.[5]

2. Motive for Conversion. (WEIL, P. 52 FF.) The Rabbis, despite their eagerness for converts, recognized the danger of accepting candidates who were insincere and were prompted by ulterior motives. The following types are mentioned as undesirable: those who convert in order to marry a Jew or Jewess; those who convert because of a dream; "lion converts" (II K. 17.24 ff.) and converts in the days of Mordecai and Esther (Esth. 8.17)—i.e., those who convert out of fear of the Jews or their avenging Deity; converts for the sake of a royal table or to become servants of Solomon—i.e., for the sake of worldly advancement. Two of the sources[6] say that all such are not really converts; a third version[7] states flatly that they must not be accepted. But this rigorous opinion is followed immediately by a statement of Rab: "The halakah is: they are converts, and we do not discourage them as we (ordinarily) discourage converts at the start (see Ch. IV, sec. 2), but accept them. And they require a cordial reception (*kerub panim*)—perhaps they have converted for the sake of the Name."[8]

Rab's statement is the accepted law—necessarily, since motives cannot be accurately determined. Anyone who complies with the formal requirements must be accepted, regardless of our suspicions. Indeed, according to the version of Rab's statement preserved in the Yerushalmi, it is

precisely when we doubt the purity of the convert's motives that we must be especially gracious to him, in order to awaken a genuine love for his new faith. We shall also find that the Rabbis made certain legal concessions in order to spare the convert financial loss as a result of his change.[9] On the other hand, the law requires that in certain cases a convert who borrowed at interest from a Jew before his conversion must pay the interest after he has become a Jew, "lest people say he converted for the sake of his money."[10] This ruling, however, seems designed rather to protect the convert against the imputation of insincerity than to discourage conversion for pecuniary motives. In sum, the law is willing to accept any convert without too searching a scrutiny of his motives.[11]

3. Are Any Peoples Ineligible for Conversion? It is well known that the Biblical law (Deut. 23.4 ff.) forbids an Ammonite or Moabite to "enter the assembly of the Lord," and permits the entrance of Egyptians and Edomites only after the lapse of two generations. This law is always understood by the Rabbis to refer, not to conversion, but to intermarriage with legitimate Jews. There was never any objection to accepting converts from these peoples; and we have several specific instances of such conversions on record.[12]

Were any peoples actually barred from conversion? As a matter of theory, the Canaanites were ineligible, since the Bible decreed their extermination from the land (Deut. 20.16). The Rabbis differed as to whether converts might be received from Canaanites dwelling outside the borders of Palestine.[13] Nevertheless, Rahab and (with limitations) the Gibeonites were accepted—a fact which causes the later scholars some difficulty.[13a]

An aggadic passage reads: "R. Eliezer says: God swore by His throne of glory that if a person of any of the nations should come desiring to be converted to Judaism, Israel should receive him; but a person from the house of

Amalek they should not receive." This principle is used to explain David's treatment of the young Amalekite in II S. 1.[14] It is nowhere mentioned in the halakic writings; and in any case could not have been invoked legally in the Rabbinic period because the Amalekites had disappeared as a separate people.[15]

More significant is the discussion on admitting converts from Kardu and Tadmor. Kardu is the district known as Cordyene, south of Armenia and east of the Tigris.[16] Tadmor (I K. 9.18; II Chr. 8.4) is the famous city of Palmyra in the Syrian desert. (In Rabbinic texts the name frequently appears as Tarmod.)

There was a very intense dislike of Palmyra and Palmyrenes among the Rabbis. "Happy he," says R. Johanan, "who beholds the downfall of Tadmor!" For the Palmyrenes played a leading part in the destructions of both Temples.[17] R. Kahana declared that Israel would establish a feast day to commemorate the ultimate destruction of the city; and a popular proverb represents Tadmor as lower than Sheol![18]

The objection to the reception of Palmyrene converts is, however, based legally on the assumption that the people of Palmyra are not pure-blooded Gentiles, but *mamzerim*. One story tells that the Gentile servants of Solomon who were settled in Tadmor married Jewesses to whom they were attracted because of their wealth; another version is that the Palmyrenes who took part in the sack of Jerusalem carried off with them "daughters of Zion." (R. Johanan and the elders.) According to the view that the offspring of a Jewess and a heathen or slave is a *mamzer*, the Palmyrenes would thus be disqualified from entering the congregation; and according to one tradition, R. Johanan and the elders explicitly stated that they must be barred.[19] But the halakah provides[20] that the offspring of a Jewess and an idolater is fit; and we have the statement in a number of other passages that the Palmyrenes may be accepted.[21]

Indeed R. Johanan, according to a tradition divergent from that reported above, favored the admission of Palmyrenes, basing himself on an interpretation of m. Nid. 7.3. The law provides that stains on the clothing or body of a Jewess, which might be stains of menstruous blood, are in theory ritually unclean. But this rule may ordinarily be disregarded, because Jews are trained to remove or conceal these stains. Such stains are ritually clean if they come from a Gentile. In our Mishnah, the view is stated that stains coming from Rekem[22] are to be regarded as clean—i.e., the people of this place are to be regarded as of Gentile stock; but R. Judah asserts that stains from Rekem are unclean, for these people are converts so that the stains defile like those of a Jewess; but they are not as careful in concealing or removing such stains as born Jewesses, and therefore we must enforce the rule. Since nothing is said about Tadmor in the context, R. Johanan argues that there was not even a doubt as to the pure Gentile origin of the Palmyrenes.[23]

This question is of early origin. A baraita[24] tells of a visit paid by leading Tannaim to the aged and revered Dosa ben Harkinas. In their discussion he told them, "Upon this stool sat Haggai the prophet and testified three things," and one of them was on this very point. In the Yerushalmi, the baraita reads "and concerning converts from Tadmor that they art fit to come into the congregation."[25] The Babli version has "and we accept converts from the Cordyenians and Tadmorites." Without assuming that the question really goes back to the time of Haggai, we cannot doubt that the problem was raised in early Tannaitic times and that the decision was to admit even these dubious candidates.

Regarding the Cordyenians there is much less information. They are mentioned only in the Babli, and in the Palestinian Gemara by R. Nahman b. Jacob, a Babylonian authority, who declares them acceptable as converts. The opposite view is stated by Rami b. Ezekiel in Yeb.

16a. But there is some doubt as to whether he objected to Kar*d*uiim or Kar*t*uiim; R. Ashe insists that it is the latter who are unfit (as attested by a popular expression) and that the two names are identical. According to Obermeyer[26] Kardu was adjacent to Adiabene, where many converts dwelt. Later this area was under the influence of the Christian missionary movement which radiated from Edessa. The Cordyenes were thus likely to be *mamzerim* as a result of intermarriages. This, Obermeyer presumes, was the basis of the objection to admitting them. The Kar*t*uiim, he explains, are "the nomadic Kartaw—Kurds who lived in the region westward from little Zab above Arbil."

The dominant view is clearly that no one should be denied the right to convert because of his origin, and the later halakic writers do not even raise the question.

NOTES TO CHAPTER III

[1] Sifra Ked. perek 8 on 19.34; MRS. 30 ad 12.49; t. Demai 2.5; Bek. 30b. With authorities confused, Tan. B. Vayikra 3; Tan. N., *ibid.*, 2.

[2] See Ch. XI, sec. 2.

[3] P. 17. The notion that a reaction sets in after the Bar Kokba revolt is found in many of the writers, and will be fully discussed in Ch. XIII.

[4] Joel, *Blicke*, Part I, pp. 25-36.

[5] Nor did they abandon a friendly attitude toward non-Jewish monotheists. R. Johanan said, "Anyone who rejects idolatry is called Yehudi," Meg. 13a, and there is much more to the same effect. But this is aggadah.

[6] Gerim 1.7; bar. Yeb. 24b, the author is apparently R. Nehemiah.

[7] p. Kid. 4.1.65b.

[8] *Ibid.*, more briefly, b., *ibid.*, Weil does not mention Rab's view, and comes to utterly wrong conclusions.

[9] Ch. V, sec. 22.

[10] This is discussed fully, *ibid.*, sec. 29.

[11] The viewpoint of the aggadah is less tolerant. See Ch. IX, n. 70. The question of "lion converts" is of some practical importance for the status of Samaritans: see Ch. VII, sec. 1.

[12] See Ch. XII, sec. 10, 17.

[13] Sot. 35b.

[13a] See Tosafot, *ibid.*, s. v. *lerabbot* and Git. 46a s. v. *kevan.* See Ch. IX, nn. 70-72.

[14] Mek. Amalek 2 on 17.16; MRS, *ibid.*, p. 84, R. Elazar HaModai; PRK Zakor ‡141 ff.; PR 12.51a, R. Eliezer b. Jacob; Tan. B. Teze 18, R. Elazar; Tan. N., *ibid.*, end, R. Ilai.

[15] See Ch. V, n. 70.

[16] See Jastrow, p. 1412a; Kohut, Aruch Completum, Vol. IV, p. 317.

[17] p. Taan. 4.8.69b; Gen. R. 56.11; Lam. R. 2.2, end.

[18] Yeb. 17a.

[19] Yeb. 16b.

[20] Maim. Issure Biah 15.3.

[21] P. Yeb. 1.6.3b: *ibid.*, Kid. 4.1.65d; b. Yeb. 16a; Nid. 56b. So also R. Nahman b. Jacob, p. Yeb. and Kid., *ibid.*, who likewise favors acceptance of Cordyenian converts. There is also a dispute between R. Hanina and R. Joshua b. Levi; "one declares fit and one receives; he who declares fit receives, but he who receives does not declare fit." This is somewhat obscure and the commentators differ as to its meaning; but the explanation of Korban HaEdah seems most satisfactory: one scholar regards the offspring of a Jewess and a heathen as fit, and so receives them as converts without qualification. The other regards such progeny as a *mamzer*, and while he would accept the Palmyrenes as converts, would bar them from entrance into the congregation.

[22] There are two places of this name, see Jastrow, p. 1497.

[23] See n. 21.

[24] p. and b. Yeb., *loc. cit.*

[25] According to this version there was no question of accepting them as converts, but merely of permitting them to marry Jews. See Ch. V, sec. 12.

[26] *Die Landschaft Babyloniens,* p. 132 ff.

CHAPTER IV

RECEPTION OF CONVERTS

1. Court. (WEIL, P. 61.) Formal reception of a convert requires the presence of a duly constituted court of three. This is deduced by R. Johanan from the fact that the Bible uses the word *mishpat* "judgment," with reference to the *ger*.[1]

For this reason, the baptism of a convert should not be performed at night, or on Sabbath or festivals.[2]

2. Reception of Convert. (WEIL, PP. 57 FF.) A well-known baraita in Yeb. 47ab, to which the Gemara attaches a number of comments, gives detailed rules for the treatment of a prospective convert. A variant form of the baraita is found in Gerim 1.1-5. We shall present the text as found in the Talmud, with the more significant variants in the minor tractate.[3]

"We tell a prospective convert in this time: Why do you want to be converted? Do you not see that Israel are now sick, shoved about, swept and torn, and that troubles come ever upon them? If he says: I know and am unworthy (to share their fate), we receive him, and we tell him some of the light and some of the weighty commandments, and we tell him the sin connected with the *leket*, *shikhah*, *peah*, and poor-tithe. And we tell him the punishment for violating the commandments. We say: Know that before you enter this state, you can eat fat without being punished by excision or violate the Sabbath without being punished by stoning. But now, if you eat fat, you will be punished by excision; if you violate the Sabbath, you will be punished by stoning.[4]—And just as we tell him the punishment for violating the commandments, we tell him the reward for obeying them. We say to him:

Know that the world to come is made only for the righteous, and Israel in this time are unable to receive either full reward or full punishment.—But we do not burden him with too long or too detailed an account. If he then agrees we circumcise him at once. . . . When he is healed, we baptize him at once, and two[5] scholars stand by him and instruct him in some of the light and in some of the weighty commandments. When he has come up from baptism, he is like an Israelite in every respect.[6] In the case of a woman, women cause her to sit in the water up to her neck and two scholars stand outside and instruct her in some of the light and in some of the weighty commandments."[7]

The chief variants in the version of Gerim:

1. The account of Israel's troubles adds: "they bury their children and grandchildren, and are slain for performing circumcision and lustration and all the other commandments, so that they cannot practice them publicly like other peoples." This is added proof that the passage is post-Hadrianic.

2. Gerim reads: "If he says: I am unworthy to put my neck under the yoke of Him who spoke and the world was (praised be He!), we receive him at once; and if not, we dismiss him and he goes his way."

3. Gerim does not mention circumcision; no doubt the text is defective. (See n. 47.) Instead it reads: "If he accepts, they bring him down to the place of baptism, and cover him with water as far as the genitals, and tell him some details of the commandments, mentioning that he must agree to give *leket*, *shikhah*, *peah*, and tithe. Just as we speak to a man, so we speak to a woman, mentioning that she must be careful of *niddah*, *hallah* and lighting the lamp."

4. Gerim adds at the end: "When he comes up from baptism, they say to him good and fitting (or comforting) words: To Whom has thou cleaved? Happy art thou! To Him Who spoke and the world was—for the

world was created only for the sake of Israel, and only Israel were called sons of the All-present and none but Israel are dear before the All-present.—The things we spoke to you before we said only to increase your reward."

After the baraita is cited in Yebamot, it is discussed at some length by the Gemara. It is explained that the discouraging words we speak first to the prospective convert are intended to give the insincere an opportunity to withdraw. The reason for mentioning the *leket* and other poor dues is similar: R. Johanan points out that the laws of the Noahides governing theft are much more severe than ours, since they execute one who steals less than a *perutah* —people reared in so mercenary a tradition must be warned that entering Judaism will impose heavy expenses on them. (So Rashi.)

The rule that we must not discourage the candidate by too long and detailed an exposition of the law is based by R. Elazar on Ruth 1.18; "When she saw that she was steadfastly minded to go with her, she left off speaking unto her."

A similar view is expressed in the midrashim to Ruth 1.12, in which Naomi uses the word "Return!" three times in speaking to her daughters-in-law. "R. Samuel b. Nahmani in the name of R. Judan (r.(?) Jose) b. R. Hanina: In three places it is written here: return, return, return, corresponding to the three times that we repulse a (prospective) proselyte; but if he persists further, we receive him. Said R. Isaac (Job 31.32): 'Let not a *ger* lodge outside'—one should repulse him with the left hand and draw him near with the right."[8]

Kohler has attempted to make a sharp distinction between the earlier custom, which was to welcome converts eagerly, and the custom of the post-Hadrianic period, which was to discourage them.[9] In proof of this earlier attitude, he cites from Lev. R. 2.9: "Thus taught the sages in the Mishnah: When a convert comes to be con-

verted, we stretch out the hand to him to bring him beneath the wings of the Shekinah." This statement, which is put into the mouth of R. Simeon b. Gamaliel,[10] is accepted by Kohler at its face value; and since no such rule is found in our Mishnah, he asserts that it was later omitted from the code as a result of the Hadrianic persecution. As a matter of fact, this passage is not really part of Lev. R. at all, but is an insertion in the printed editions, taken from SER (6) 7.35.[11] Without entering into the tangled question of the date and character of Seder Eliahu, we must agree that it is a very dubious witness to the existence in the Mishnah of passages to which there is no other testimony. Kohler's distinction is indeed almost baseless. The post-Hadrianic baraita does not discourage proselytism. It does indeed require that proselytes be warned of the consequences of the step they are taking—a perfectly reasonable demand, in view of the disturbed conditions of the time, and necessary both in fairness to the convert and to Judaism.[12] But it specifically provides that this discouragement is not to be carried so far as to drive away honest converts; and the aggadic passages we have cited stress the same thought emphatically. Moreover, as we have seen above, Rab held that when we suspect an ulterior motive for the conversion, we should not even formally repel the candidate, but do everything to attract him, in the hope of making his conversion sincere. In short, the halakah prescribes an attitude of friendliness and encouragement to the convert, even though it requires us to test his sincerity by pointing out to him the political and religious burdens that Judaism involves. This is brought out most clearly in the address which Tractate Gerim prescribes after the baptism of the convert.

3. Pregnant Convert. If a woman is converted to Judaism while pregnant, her son needs no baptism after he is born.[13] If the child was born prior to his mother's bap-

tism, he is circumcised on the day of his birth, not on the eighth day.[14]

4. The Three Indispensable Requirements. (WEIL, PP. 60 FF.) Just as Israel entered into a covenant with God by means of circumcision, immersion, and sacrifice, so must converts fulfill these three requirements.[15] We shall now consider the details of these pre-requisites, and then discuss the question as to whether any one of them may be omitted.

a) Circumcision. If the circumcision is not properly performed, so that shreds of the corona remain,[16] the operation must be repeated.[17]

If the convert has previously been circumcised, must he, before entrance to Judaism, have a drop of blood ("blood of the covenant") drawn from the member? R. Simeon b. Elazar reports a controversy on this question between the schools of Hillel and Shammai. The latter insisted on this formality, while the school of Hillel waived it.[18]

On the basis of this report, several scholars have found here an indication that the Hillelites were more eager for converts, and hence removed obstacles from their way, while the sterner Shammaites would not make the slightest concession in order to attract newcomers.[19] This interpretation has been well challenged by Lévi (p. 16, n. 1.) The controversy, as it emanated from two schools originally, did not concern proselytes at all, but the procedure when a Jewish child was born without the foreskin. The school of Shammai in such cases required the drawing of blood from the member; the lenient Hillelites did not. This is plain from all the sources. But the later Tannaim did not wish to accept the report at its face value. R. Simeon b. Elazar, a contemporary of Judah the Prince, the best part of two centuries after the original controversy occurred, denied that Bet Hillel had been as lenient as this: their dissent referred to the case of con-

verts already circumcised. Another contemporary, R. Elazar HaKappar[20] gave still a different explanation of the controversy. For in this period the rule that the drop of blood must be taken from one born without foreskin was so well established that—says Lévi—they were unwilling to believe that the school of Hillel would have dispensed with it. Hence these theoretical explanations of the controversy as having a different bearing.

To this it should be added, that even if the question of the uncircumcised convert was discussed by the early schools, the decision was based not on hostility or friendliness to the convert, but solely on the halakic question as to whether blood was indispensable for admission (of born Jews or foreigners) to the Jewish faith. The present case does not indicate anything as to the relative interest of the Hillelites and Shammaites in conversion.[21]

The later halakah follows the more stringent rule of Bet Shammai both as regards converts and born Jews.[22]

On the circumcision of a proselyte, the operator recites the benediction "Praised be Thou, O Lord our God, King of the World, who hast sanctified us by Thy commandments and commanded us concerning circumcision," and another person present recites a longer form, which runs (after the introductory formula) "and commanded us to circumcise proselytes and to take from them the blood of the covenant; for without the blood of the covenant, heaven and earth would not be preserved, as it is said (Jer. 33.25), 'Were not My covenant in force day and night, I would not appoint the ordinances of heaven and earth.' "[23]

Baptism must not take place till the candidate has recovered from the circumcision; for water irritates a wound. (Yeb. 47b.)

b) Baptism. (Weil, p. 63.) The word we have been rendering "baptism" is the Hebrew *tebilah*, which means any sort of ritual bath, and is not specially qualified when applied to converts. The same type of *mikveh* (contain-

ing forty *seah*) is to be used for this purpose as for a woman after her period; and the same rules regarding substances interposed between the body of the bather and the water—which render the immersion inefficacious—apply in this case. (bar. Yeb. 47b.)

The character and significance of baptism in this case is not altogether clear. While the ritual bath is a familiar element in the priestly legislation, there is nothing in the Biblical text to suggest directly its use in conversion. Bialoblocki (p. 19 f.) regards this as a development of the ordinary bath of purification; Moore[24] insists that the rite is initiatory, not purificatory. Actually both elements enter. The initiatory implications are clear in the baraita cited above, to which Rashi remarks: it must be stated that the ordinary laws of *tebilah* apply to this case, just because this is not—like other ritual baths—to overcome ceremonial impurity. The parallel case of baptizing slaves is clearly of initiatory character—and the avowed intent with which the bath is administered determines its effect. (Below, Ch. VI, n. 13 f.) On the other hand, the Palestinian Gemara specifically states that this lustration is to free the candidate from the defilement of idolatry.[25] Evidently, Brandt[26] is right in holding that the baptism of converts is both a ceremony of initiation and a ritual cleansing.

Without attempting to determine the exact date at which the baptism of converts was made a requirement, it is worth pointing out that this ceremony was an innovation at some time after the close of the Biblical period. The Bible speaks only of circumcision. This fact will be of significance a little later.

c) Sacrifice. According to R. Eliezer b. Jacob, a convert who has not brought his offering and had the blood sprinkled upon him is *mehusar kapparah*, lacking a piaculum, and therefore excluded from eating a sacrificial meal.[27] This has led Moore to state that sacrifice is not really a condition for conversion, but merely for exer-

cising one of the rights of a Jew, to participate in a sacrificial meal.[28]

This view is incorrect, because R. Eliezer b. Jacob's opinion did not prevail. The Gemara states explicitly that the convert brings the sacrifice in order to be fit to enter the congregation.[29] The question is even raised (no doubt mere casuistry) as to whether we have the right to admit converts, now that sacrifice is impossible; and R. Aha b. Jacob answers by quoting Num. 15.14: "When a *ger* shall dwell with you or be in your midst *throughout your generations*." (Ker. 9a.) Finally there was a rule in effect for a time after the fall of the Temple, that converts must set aside a minimum sum for the purchase of their sacrifices against the time when the Temple should be rebuilt. Later on this rule was abrogated, lest it become a stumbling-block to the convert, i.e., lest inadvertently he appropriate for profane use the money that had been devoted to a holy cause. But the very existence of this ordinance shows that sacrifice was regarded as essential, not merely incidental, to conversion.[30]

The sacrifice of the convert is a burnt-offering, on the analogy of the covenant sacrifice of Israel. Though Israel in the desert also brought *shelamim*, the analogy was not carried to this point.[31] A cereal offering, even if accompanied by *shelamim*, was not acceptable.[32] Though an animal is proper for this sacrifice, a pair of doves or pigeons may be substituted in order to lighten the financial burden of the new convert.[33] This is the only case where the Torah ordains that both birds of the pair should be an *olah*; in all other cases one is an *olah*, the other a sin-offering.[34] Apparently because of this fact, the convert may eat sacrifices in the evening after offering *one* bird.[35]

d) Omission of one requirement. In Gerim 2.5, which lists the three requirements, the statement is added "Two are indispensable, *me'akkebin* and one is dispensable." The context discusses the obligation of the convert to set aside

money for his sacrifice (above n. 30); and the commentators are probably right in taking this sentence to mean: at present, sacrifice need not, since it cannot, be performed; but both circumcision and baptism are essential to conversion.

This latter point is the subject of Tannaitic controversy, which in turn has become the subject of a much confused argument in modern times. The matter appears in a baraita of which we have two general versions. In the Babli, R. Eliezer holds that one who is circumcised but not baptized is a convert—as in the case of the Jews at the Exodus, who were circumcised but not baptized. R. Joshua says that one who is baptized but not circumcised is a convert—on the analogy of the Israelite women at the Exodus. The sages say one is not a convert till both ceremonies have been performed.[36]

The Palestinian version of the baraita does not quote the sages. It states that R. Eliezer made the status of the convert dependent entirely on circumcision, while R. Joshua regarded baptism as *also* indispensable.[37]

Now while there is no doubt as to Eliezer's view, the texts leave us in doubt as to Joshua's position. According to the Babli, he regarded baptism without circumcision as sufficient to transform a heathen into a Jew; according to the Yerushalmi, he insisted upon both circumcision and baptism. Which text we regard as correct will depend in part on what we think the passage means; but it seems to me there are good reasons for viewing the Palestinian version as more reliable. The argument from the Exodus given in the Babylonian version is weak. How can one deduce from the case of women that males can become Jews without circumcision? Moreover, it is generally supposed that Israel bathed as well as circumcised before giving of the Torah (n. 15). These internal weaknesses lead me to believe that this version of the baraita is at least open to question; and the Gemara has difficulty with it.[38]

R. Johanan upheld the view of the sages (or Joshua in p.) that both circumcision and baptism are essential.[39] And so the halakah is fixed.[40]

To the inquiry of the Gemara[40a] why Johanan needed to make this statement, since the opinion of the majority regularly prevails, the reply is given that here "the sages" means only R. Jose, and a baraita follows (see n. 67) regarding the procedure when a man comes and says: I have been circumcised but not baptized. R. Judah says: We baptize him at once, and what of it! (i.e., we need not concern ourselves as to the purpose of the original circumcision.) R. Jose does not permit immediate baptism. The Gemara interprets this baraita (of which we have only quoted part) to mean that according to R. Judah, the status of the convert can be affected by either ceremony, whereas R. Jose requires both. Thus in the present case, R. Jose would require the taking of the "blood of the covenant" before baptism, unless the candidate could prove that he had been circumcised for the sake of conversion. A closer examination of the baraita, which further states that R. Judah permits the baptism to take place on Sabbath, while R. Jose forbids it, indicates that R. Jose's objection is based on the ground that baptism will change the status of the man (*tikkune gabra*), while Judah holds that the status has already been established by circumcision and is not further changed by baptism. In short, R. Judah seems to have held that baptism is obligatory on the convert, but that he has the status of a Jew without it.

Another opinion, however, held that a formal baptism was not entirely indispensable. It appears first in the name of Bar Kappara, who said: "A convert who has been circumcised but not baptized is still fit, for there is no convert who has not bathed on account of nocturnal pollution."[41] The Palestinian Gemara inquires how, according to this view, a bath for the minor impurity of nocturnal pollution can be efficacious for the weightier impurity

(of idolatry—cp. n. 25). The answer is given that in either case the bath is "for the holiness of Israel," that is, it indicates that he has accepted the faith of Israel (so Korban HaEdah explains) and is therefore efficacious. This view of Bar Kappara is ascribed in the context to R. Joshua b. Levi; and in the Babli, he is represented as defending a certain man who was called "Son of the Aramean" because he had been circumcised but not baptized, by saying "Has he not bathed for his nocturnal pollution?" (Yeb. 45b). A similar view was held by R. Assi about women, whose obligation to be baptized was, he felt, discharged when they bathed after their monthly periods, and several incidents are cited in which his opinion appears.[42]

This controversy has been the basis of some rather wild theories, which we must now review. Most of them are based entirely on the Babli text, in which R. Joshua regards baptism without circumcision as sufficient to make a man a convert.

According to a number of scholars, this means that Joshua was willing to waive altogether the requirement of circumcision, in order to make it easier for converts to enter the Jewish fold. In this, he was following the liberal Hillelite tradition (above n. 19). Eliezer, who is known to have had some spiritual affinity to the Shammaites, and who was not friendly to Gentiles and to converts, opposed any such concession. It is this difference of opinion which we meet with in the story of the conversion of Izates, King of Adiabene, as reported by Josephus (Ant. 20.2.4). Izates' instructor Hananiah, who advised against his circumcision, was allied with the liberal Hillelite—R. Joshua tradition; Eleazar—who persuaded the king to submit to the operation, was a rigorist of the Shammaite-R. Eliezer stamp. This reading of the facts was apparently suggested first by Derenbourg[43] and is accepted more or less completely by Graetz,[44] Felsenthal,[45] Samter,[46] and even to some extent by Lévi,[47] Guttmann[47a] and Bialoblocki.[48] A particularly extreme form of this theory was

developed by Schorr[49] in support of Felsenthal. Schorr holds that the Tannaitic material has been falsified by the Amoraim in order to bolster up the view first advanced by R. Johanan, that both circumcision and baptism were indispensable. Utilizing all the versions, Schorr arrives at an arbitrary reconstruction of the baraita, according to which R. Eliezer accepted as converts those who had been either circumcised or baptized, while Joshua required circumcision! In general the Tannaim were very lenient and only later did a more rigorous attitude develop, in opposition to Paul. Schorr's suggestions are ingenious, but may be dismissed as without foundation.[50]

We have seen (n. 19 ff.) that the usual assumption of a divergence between the schools of Hillel and Shammai with respect to receiving converts is not well-founded. The liberal Hillelite tradition does not apply in this case. The equating of the present controversy with the incident of Izates' conversion is impossible. Josephus repeatedly indicates that circumcision was regarded in the early period as absolutely necessary for conversion.[51] And a reading of the story of Izates indicates that it involves considerations far removed from those of the Tannaim. The question is not whether Izates can be a Jew without circumcision, but whether God will forgive him for omitting the rite even after he is convinced of the truth of Judaism. As Sieffert (p. 26) points out, Hananiah regards omission of the operation as pardonable, therefore in the first instance culpable. His motive is not broadmindedness, but caution.

Even if we accept the Babli text as correct, it still cannot mean that R. Joshua permitted conversion without circumcision. If a heathen should acquire the full status of a convert by a ritual bath, he would immediately become obligated to observe the commandments of the Torah, one of which is circumcision.[52] How indeed could R. Joshua have openly flouted the direct written word of the Torah, by permitting converts to enter Judaism uncircumcised

and to remain so? How is it, further, that we hear repeatedly in the Talmud of converts who were circumcised but not baptized, never of the converse? In short, whatever the present controversy may involve, it does *not* mean that R. Joshua, in order to encourage converts, allowed the candidates who came to him to omit circumcision altogether.

But even though the controversy does not involve these far-reaching implications, it is not a mere opportunity for *jeux d'esprit*, as Moore[53] supposes. The practical bearing of the dispute will be shown after we have considered two other interpretations.

According to Strack-Billerbeck[54] the Hillelites desired to make baptism *the* decisive act of conversion, since it would apply to all converts, including women, and also men who had previously been circumcised. (Above, n. 18.) In order to stress the importance of baptism, they separated it entirely from circumcision, as shown by their view on the eating of the Paschal sacrifice by a new convert. (Below, Ch. V, n. 39.) If this view is correct, then in our present controversy, R. Joshua (according to either Talmud) would be in the Hillelite tradition, while R. Eliezer would reject it. But such an interpretation of Bet Hillel's attitude, though by no means unreasonable, remains an unproved assumption.

Bialoblocki (p. 15 ff.) states the question at issue thus: Is circumcision a necessary pre-requisite for admission to Judaism, or is it merely a duty consequent upon admission? R. Eliezer holds the former opinion, R. Joshua the latter. This is a continuation of the dispute of the Hillelites and Shammaites regarding the taking of a drop of blood (Above n. 18.) Bet Shammai regard the shedding of blood as the decisive factor in the conversion, while Bet Hillel regard it as merely a *mizvah*, which may be dispensed with in order to make the way easier for converts. In the case of Izates, Eliezer held that the king could not become a Jew at all without being circumcised, while Hananiah

regarded circumcision as one of the commandments which might be omitted if it involved danger to life. So far Bialoblocki. We have already shown that the original controversy of the two schools was not about conversion, but about a Jew born without foreskin, in which case there can be no question of status; the child is a Jew whether or not blood is shed. And as we have seen, Izates' advisers differed not on a legal point but on the question of expediency versus principle. Bialoblocki has failed, like his predecessors, to link up the dispute of Joshua and Eliezer with earlier data. But his interpretation of the actual dispute is substantially correct.

More simply, the point at issue was: At what moment in the procedure of conversion does the convert cease to be a heathen and become a Jew? This is of considerable practical importance. Several ritual laws affecting converts, notably with regard to the Paschal sacrifice, depend on the accurate determination of the time when the conversion took place.[55] Again, the betrothal of a heathen is ineffective, while that of a relapsed convert—like that of an apostate Jew—is in force and cannot be dissolved except by death or divorce. Suppose a heathen is circumcised and then changes his mind and fails to complete the formalities of conversion. If he later enters into betrothal with a Jewess, what is the status of this union? Third, the status of the child of converts varies accordingly as he was conceived and born prior or subsequent to his parents' conversion.[56] The accurate determination of the moment of this event is important here, too. In all such cases, R. Eliezer declared that the man is a convert from the time he is circumcised. R. Joshua, according to the Palestinian Talmud, declares that he does not have the status of the Jew until baptism has also taken place. Likewise, according to the Babli, he held that baptism is the determining act, and went to the extreme of stating that it is effective in consummating conversion even without prior circumcision.

But it seems to me altogether certain that the version of the Yerushalmi is the correct one. Here we see R. Eliezer, the conservative, clinging to the Biblical view that circumcision is the only indispensable prerequisite. Joshua holds also for the need of baptism, which as we have seen was—at one time or another—an innovation. His view seems generally to have prevailed. Yet even in the Amoraic period there were scholars who felt that baptism was not entirely indispensable, and that the requirement was met by ritual baths which the convert would take from time to time in the course of his regular religious life. In the days of R. Johanan, who held that both requirements are necessary, there was considerable dispute as to the status of children born to Jewesses by husbands who had been circumcised but not baptized. Involved in this question is also the problem of the status of the children of a Jewess by a heathen; but it is significant that R. Johanan regarded such converts as still heathen, while some of his contemporaries did not.[57]

In sum, our controversy dealt with a technical, though practical question of the law on converts; but it tells us nothing as to the attitude of the Rabbis toward proselytization. It proves neither that Eliezer was hostile, nor that Joshua was favorable, toward converts.

5. Conversion of Minor. (WEIL, PP. 67 FF.) When a convert has minor children, they may be circumcised and baptized without any special formalities. Such children "will be agreeable to what their father has done." (Ket. 11a.)

If, however, the minor has no father, there is somewhat greater doubt. According to R. Huna, "we baptize a minor convert under the supervision (*al daat*) of the court." This is the case because you may confer a benefit on a person in his absence, and a minor is regarded as "absent," since he is incapable of controlling his affairs. As conversion is a benefit, we may confer it on the minor.

The objection is then raised that the heathen may not regard conversion as a benefit, since it prevents them from enjoying the sexual license they have in their unconverted state; and the reply is given that this consideration would not affect a minor, who has not enjoyed any forbidden connection (*ibid.*).

Although this view goes unchallenged in the Gemara and is accepted by Maimuni (Issure Biah 13.7), there is some doubt about it. According to Tosafot[58] we do not baptize a minor under the direction of the court unless the child himself asks to be converted.[59]

But the Babylonian authorities seem to have approved R. Huna's statement of the case; and this is supplemented by the following statement of R. Joseph; "When they are grown, they can protest (their conversion)." (Ket., *ibid.*) Rashi explains that this applies even if the minor is converted with his father. In such case, the protestor reverts to the status of Gentile; if he has betrothed a wife before protesting, she requires no divorce; and even if we have the power, we do not punish him. This statement is at once challenged by Abaye: The Mishnah (*ibid.*, 1.2) prescribes a marriage portion of 200 zuz for a girl converted below the age of three years.[60] Shall we allow her to take all this money and enjoy it in a state of heathendom? Answer: We do not give her the marriage-portion until she is grown. Objection: When she is grown she can still protest and go! Answer: When she has been grown up for an hour and has not protested, she has no further opportunity to protest.[61]

R. Joseph's view is accepted in this form by Maimuni (Melakim 10.3) and Karo (Yoreh Deah 268.7). For practical purposes the law about relapse is not very satisfactory, for—as a note in the margin of the Babli points out—it is hardly possible to determine the exact hour at which a minor reaches puberty. So far as I can see the rule amounts to this: if a minor convert approaching puberty consistently refuses to practice the Jewish re-

ligion, he is permitted to return to the status of heathen; otherwise, if he backslides after reaching maturity, he is like any other backsliding *ger*, regarded in the class with an apostate Israelite. (See Ch. V, sec. 1.)

6. Proof of Conversion. There is Tannaitic material indicating that one who comes to us claiming that he is a convert must bring witnesses to this fact. Otherwise he is not to be received, i.e., we require him to submit in our presence to the extraction of blood of the covenant and baptism, if he wishes to have the status of a convert and our approval to his marriage with a Jewess. It also appears that a distinction was made between Palestine and the Diaspora in administering this rule. Unfortunately our texts are widely at variance as to details.[62]

The later authorities have considerable difficulty with this matter, and not only because of the divergence of the texts. In addition they find this principle at variance with a view of Bar Kappara (above n. 41) which they understand to mean that a person of Gentile origin who lives according to Jewish law is presumed to be a full convert. The fullest discussion of the different interpretations—Maimuni, Rashi, Rabed, Karo, Alfasi and some Gaonic material—is given in the commentary Migdal Oz to Maim. Issure Biah 13.10. But the solution given there is somewhat forced. All we can say is that the halakah usually attempts[63] to establish the exact status of professed converts, and to obtain proof that they have been properly converted. It is noteworthy, however, that hearsay evidence is admissible in such cases.[64]

The Talmud tells of a man who came before R. Judah professing to be a self-made convert. R. Judah inquired if he had children, and receiving an affirmative answer, declared: "I believe you to disqualify yourself, but not to disqualify your children." By this R. Judah meant (according to R. Nahman b. Isaac, whose interpretation is accepted as halakah): According to your own statement

you are a heathen and not qualified to give evidence. Hence the status of your children as fit Jews will not be called into question.[65] According to Lévi, R. Judah here displays his eagerness for converts, since he finds a pretext for accepting this man and his children in despite of his own testimony.[66]

Related to this question is the dispute of the same teacher with R. Jose as to the procedure if a man comes and tells us that he has been circumcised but not baptized.[67]

As to the significance of this topic for our general theme. There were many reasons why the Rabbis needed to satisfy themselves as to the exact status of strangers. In part, they were political, since some of the quasi-converts proved to be informers and spies. In part they were religious, involving not only the great question of intermarriage, but many ritual matters. Pes. 3b, for instance, tells of a Gentile who participated in the eating of the Paschal sacrifice, but was eventually detected and executed. The very fact that the Rabbis did not insist upon iron-clad proof of conversion, that they would make any concessions at all in the matter, is ample indication of their friendly attitude toward converts.

NOTES TO CHAPTER IV

[1] Yeb. 46b, 47b; Kid. 62ab, referring to Num. 15.16. R. Judah argues from Deut. 1.16 that a court is indispensable and that a self-made convert is not legally a *ger*: bar. Yeb. 47a. The Tannaitic Midrashim do not consider *gero* in this v. as a reference to converts, perhaps because of the puzzling suffix: Sif. D. 16, Mid. Tannaim, p. 9.

[2] Yeb. 46b; p., *ibid.*, 8.1.8d; Maim. Issure Biah 13.6. See Ch. XI, n. 119.

[3] The references to Jewish suffering indicate that in its present form the baraita is post-Hadrianic: Moore, Vol. I, p. 333.

[4] Of course capital punishment was not actually inflicted by Jewish courts at that time, but the religious liability remained.

[5] According to R. Johanan, read: three; Yeb. 47b, see n. 1.

[6] See Ch. V, beg.

[7] Man baptizes man and woman baptizes woman (but not man): Gerim 1.8. Our baraita also gives some technical details about circumcision and baptism, on which see nn. 16, 17. The warning given to Adam to abstain from the fruit of the tree is compared by R. Simeon b. Elazar to the case of a man who had married a convert. He used to sit and instruct her, saying: My daughter, do not eat bread when your hands are unclean nor fruits that are untithed. Do not desecrate the Sabbaths nor break forth into vows, nor associate with other men: ARN I, 1.3b; recension II is briefer.

[8] Ruth R. 1.12. The first part only in Ruth Z., *ibid.*, anonymous, which should read 3 instead of 2: see Buber's n. 30. The interpretation here ascribed to R. Isaac appears in p. Sanh. 10.2.29b n. R. Johanan; but there is some question as to whether the saying originally referred to proselytes. The case against which the saying is directed is Elisha's overseverity toward Gehazi, who was a native Jew. So in a baraita, which does not quote Job, and mentions Gehazi and Jesus, cited by Moore, Vol. I, p. 348 and n. 3. The ascription in p. Sanh. is probably correct; the corruption in Ruth R. easily explained.

[9] *Origins*, p. 160 f. Cp. above, Ch. III, n. 3 f.

[10] But in SER, Elijah (i.e. the author) tells the story, and S. b. G.'s name is not mentioned. Lévi (p. 10) regards it as a mistake for *Eliahu Hanabi*.

[11] Cp. Strack, *Einleitung*, p. 204.

[12] See Ch. XIII, nn. 45a ff.

[13] Yeb. 78a, bot., Raba. The context deals with *tebilah* in general.

[14] Gerim 2.1. Higger cites Rashi ad Sab. 135a, s. v. *Kol she-en imo*. On the status of the child conceived before his mother's conversion, see Ch. V, n. 115 ff.

[15] Sif. N. 108 on 15.14; Ker. 9a, Rabbi; MRS, p. 30 on 12.48 and 97 on 19.10; Gerim 2.5. See Brüll, *Jahrbücher*, Vol. IV, p. 63, n. 2, Israel were circumcised in Egypt before the Passover; bathed before the Sinaitic revelation, and brought sacrifice in the covenant ceremonies (Ex. 24) which, according to the Rabbis, occurred before the Torah was given. See MRS and Ker., *loc. cit.*, and parallels.

[16] m. Sab. 19.6.

[17] Yeb. 47b, bar. and gem.

[18] t. Sab. 15(16).9; b., *ibid.*, 135a; p., *ibid.*, 19.2.17a; Gen. R. 46. 12; Gerim 2.2. Cp. Yeb. 71a. The divergences among the texts are of interest for literary criticism, but need not concern us now.

[19] Derenbourg, *Essai*, p. 229; Felsenthal, "Zur Proselytenfrage"; Bertholet ap. Lévi; see next n.

[20] b. Sab., *ibid.*, and see Theodor's nn. to Gen. R., *ibid.*

[21] On this point see Ch. XIII, n. 13.

[22] Maim. Issure Biah 14.5; Yoreh Death 268.1.

[23] So the Rabbis understand the verse; bar. Sab. 137b. The benediction on the circumcision of slaves is almost identical. Maim. Milah 3.4 mentions only the longer form of the benediction: Weil, p. 62 and n. 1.

[24] Vol. I, p. 334, and Vol. III, p. 109, n. 101.

[25] p. Kid. 3.14.64d; p. 65. Cp. also Syb. Oracles 4.165.

[26] *Die Judischen Baptismen,* pp. 57-63.

[27] m. Ker. 2.1; t., *ibid.,* 1.11. But according to Gerim 2.5, Eliezer b. J. regarded sacrifice as indispensable. Below, sec. d.

[28] Moore, Vol. I, p. 332. Bialoblocki (p. 20) reasons similarly, and states that only from the time of Rabbi (above, n. 15) was sacrifice or its substitute regarded as indispensable.

[29] Ker. 8b; Maim. Mehusare Kapparah 1.2.

[30] The exact history of this rule is not altogether clear. In a bar. R. H. 31b, Ker. 9a; t. Shek. 3.23, R. Simeon states that the rule was abrogated by R. Johanan b. Zakkai. In Sif. Z. to 15.15, R. Eliezer requires the setting aside of the money, while R. Joshua does not; in Gerim 2.5, these views are ascribed respectively to R. Eliezer b. Jacob and R. Simeon. Yet, according to the Mishnah (above, n. 27), R. E. b. J. evidently did not consider a sacrifice essential for conversion! Graetz, "Die judischen Proselyten," p. 11, n. 2, regards the text of the baraita in Ker. and R. H. as wrong. Johanan b. Zakkai was the sole authority after the destruction of the Temple, and hence was the author of this innovation. In his short period of authority, it is unlikely that he introduced and then abrogated the rule. The word *nimnah* does not properly apply to an individual. Besides, had J. b. Z. abolished the rule, the controversy would not have continued later. Graetz concludes that this ordinance, introduced by J. b. Z., was probably abrogated after the Hadrianic war, when restoration of the Temple appeared altogether remote. The Babli passage should read *kevar nimnu 'alav 'al R. J. b. Z. u-bitteluha mipene ha-takkalah.* Graetz's conjecture appears highly reasonable to me, though it is not established beyond question.

[31] Sif. N. 108 on 15.14; Ker. 8b-9a.

[32] Sif. and Ker., *ibid.;* t. Shek. 3.21 and Ker. 1.12.

[33] See n. 32.

[34] t. Shek. and Ker., Sif., *ibid.,* b. Ker. 8b.

[35] t. Shek. 3.20; Ker. 8b; Maimuni, Mehusare Kapparah 1.2 adds that the second bird must be brought later. This is the view of Sif. D. 108 and Ker. 9a. Sifra Nedabah parashah 7 on 1.15 and m. Men. 12.5 permit the offering of a single bird; but Ker., *ibid.,* which cites the baraita of Sifra, remarks that this permission does not apply in the case of obligatory offerings, the only apparent excep-

tion, the case of a woman after childbirth being not to the point, because there the pigeon is brought with a lamb. This is not made clear in Moore III, 109.

[36] Yeb. 46a; cited, *ibid.*, 71a.

[37] P. Kid. 3.14.64d; Gerim 1.6, Higger's text, except that Akiba's name appears instead of Joshua's.

[38] See Tosafot and Tosafot Yeshanim ad Yeb. 46b.

[39] Yeb., *ibid.;* Ber. 47b, where it is specifically stated that until the convert is baptized, he has the status of a heathen. See below, nn. 55-56, Ch. VI, n. 15.

[40] Maim. Issure Biah, 13.6.

[40a] Yeb. 46a.

[41] P. Kid., *ibid.;* Weil, p. 64.

[42] *Ibid.* This attitude is accepted as law by Karo: Yoreh Deah 268.3. The proviso is added, based on Tosafot ad Yeb. 45b s.v. *mi lo tablah*, that in any case the candidate must formally accept the obligations of Judaism before a court and in the day time, since the regular ritual baths would be private. Maimuni (Issure Biah 1.9) takes a somewhat different stand. He regards the taking of these ritual baths as presumptive evidence of conversion and of the legitimacy of the convert's children, etc., but demands if the convert wishes to marry a Jew that he either prove that he has been properly converted or else submit to formal baptism.

[43] *Essai*, pp. 224 f. and nn.

[44] *Monatsschrift*, Vol. 26 (1877), pp. 303-306; *History* (English version), Vol. II, p. 384—not in the German. In "Die Jüd. Pros.," pp. 12-13, he expresses the belief that the controversy was not of great practical significance.

[45] "Zur Proselytenfrage"; *Monatsschrift*, Vol. 27 (1878), p. 236.

[46] P. 9.

[47] Pp. 16-17. Lévi does not equate the halakic controversy with the difference between the teachers of Izates. But in *REJ*, Vol. 53 (1907), pp. 59-61, he suggests that the omission of reference to circumcision in Tractate Gerim may reflect the view of R. Joshua, and with this he collates Syb. Oracles IV, 165, which summons men to wash their bodies in everflowing streams and makes no mention of circumcision. This oracle is roughly contemporary with Joshua b. Hananiah. In many other passages Gerim refers to circumcision; and surely, the Sybilline Oracles are of no value for understanding a controversy in Palestine over the halakah.

[47a] P. 95 f.

[48] For his view see below.

[49] *HeHaluz*, Vol. XI, pp. 67-74.

[50] Cp. Lévi, p. 10.

[51] See Ch. II, sec. 2, passim.

[52] Felsenthal, *Monatsschrift, loc. cit.*, attempts to answer this argument unsuccessfully. He tries to show that R. Judah's expression *behada sagi* (Yeb. 46b) means that only one form of admission should be practiced. But (a) R. Judah never used the phrase; it is put into his mouth by the Gemara; (b) the "one form" which Judah regards as sufficient is in this particular case circumcision, as we showed above, n. 40a.

[53] Vol. III, p. 110, n. 103.

[54] Vol. I, pp. 104 ff.

[55] See below, Ch. V, nn. 36-37.

[56] See, e.g., *ibid.*, n. 115 ff.

[57] See Ch. XI, n. 122. See also on the status of slaves who have been circumcised but not baptized, Ch. VI, nn. 13 ff.

[58] Ket. 44 s.v. *ha-gioret.*

[59] There is also the implication in p. Kid. 4.1.65b that the minor must be able to understand what is going on, or else the *tebilah* must be repeated later on. See Yefeh Enayim ad Ket. 11a, referring to this passage, but the word Kiddushin has been omitted. The commentators to the Yerushalmi have some difficulty with the passage.

[60] See below, Ch. V, sec. 16.

[61] Raba argues similarly against R. Joseph from the fine (*kenas*) prescribed for violation of a girl converted below three years, and is answered similarly.

[62] Sifra Kedoshim perek 8 on 19.33, anonymous, states that the rule is applied only in Palestine; outside the land the convert need bring no proof. In Yeb. 46b-47a this material is given in the name of R. Judah, and the sages hold that proof of conversion is necessary both in Palestine and the Diaspora. The opinion of the sages is pronounced halakah by R. Johanan. In Gerim 4.3, anonymous, it is stated that converts may be accepted without proof in Palestine, but not outside it! The text of the Babli is also somewhat uncertain; see nn. of Elijah Vilna ad loc.

[63] If it does not demand absolutely—see Joel Sirkes (Bah) cited in Beer Heteb to Yoreh Deah 268.10, calling for leniency in enforcing this rule.

[64] R. Sheshet, Yeb. 47a; this is not mentioned in the codes.

[65] Yeb., *ibid.* In such case, the man should submit to lustration: Maim. Issure Biah 13.8.

[66] See below, Ch. XIII, n. 54.

[67] Above, n. 40a. Judah's opinion is found also in slightly different words in p. Kid. 4.7.66b. On the word *nekiyah*, see Kohut, *Aruch Completum.* Bialoblocki (p. 20 ff.) as well as Felsenthal and Samter (above, n. 45.6), see in R. Judah's attitude here a similarly favorable attitude to converts; but this is somewhat less certain.

CHAPTER V

STATUS OF CONVERTS IN JEWISH LAW

1. Generalizations. (WEIL, P. 70 F.) A baraita already quoted states that when the convert comes up from baptism, he is like an Israelite in every respect. (Ch. IV, n. 6.) This is in line with such Biblical laws as Ex. 12.49, Num. 15.14-16, which prescribe equality before the law for *gerim.* But it was inevitable that some differences in status between the native born Jew and the convert should emerge. Actually, there are very extensive regulations in the halakah concerning converts and their status in ritual, financial, marital and other matters. We shall have to examine these, to determine the reason for these exceptional provisions. To what extent are they purely legal, the result of the change in the status of the stranger? To what extent do they reflect a prejudice, for or against proselytes?

As for the statement of the baraita, it is understood to mean simply that once baptism is complete, the convert is regarded as an out-and-out Jew. If he backslides, his status is not that of heathen, as formerly, but of apostate Jew. If such an one betroths himself to a Jewess, the act is valid and can be dissolved only by divorce.[1] Somewhat similar is another Tannaitic statement that if a convert has properly accepted the obligations of the Torah and then falls under suspicion of violating even a single commandment, he is suspected of being disloyal to the entire Torah. He is therefore to be regarded as an apostate Jew.[2]

* * *

Let us note first that the Tannaitic Midrashim, in discussing the various laws, frequently provide Biblical proof

that a given command is obligatory on converts. As the Torah often specifies that its provisions are for native Israelites and strangers as well, there is ample basis for such interpretation. The word *ger* in the Bible is often explained as *ger zedek*, convert, sometimes as *ger toshab*, resident alien.[3] For instance, the Mekilta proves that converts must keep the Sabbath from the words "thy stranger that is within thy gates" (Ex. 20.10), while the obligation of the resident alien to rest is indicated by the words "and the stranger" (*ibid.*, 23.12).[4] Such interpretations are common.[5]

This tendency is carried to suprising extremes. The Bible mentions that both the native and the *ger* are forbidden to have leaven during Passover. The Mekilta comments: "Since this is an act prescribed for Israelites, Scripture had to mention that converts are included. Wherever an act is prescribed for Israelites, converts must be especially included."[6] This generalization appears in several connections, the fullest form being: "This is the rule: Whenever He spoke to the priests, the action is prescribed for the priests; when He spoke to all Israel, the act is prescribed for Israelites; when He spoke to Israel and the act is prescribed for all men, converts must be specially included."[7]

And so the Midrashim, especially Sifra and Sifre Zutta, find in many Biblical passages which do not mention strangers a hint in some superfluous word that the laws in question are binding on converts.[8] These laws are of the most diverse character, and are not particularly applicable or inapplicable to converts.

Yet there are other passages in the early Midrash which impose on converts a blanket obligation to obey the whole Torah: "I might understand that the convert is like the born Jew only with respect to the Passover. How about all the other commandments of the Torah? Scripture says (Ex. 12.49): 'One law shall be to him that is homeborn and unto the stranger.' This passage comes to declare

the proselyte equal to the born Jew with respect to all the commandments of the Torah."[9]

It should be noted that the tendency to find a specific reference to converts in the different Biblical commands is found (in slightly divergent forms) in Midrashim of various Tannaitic schools. And the contradictory attitude just mentioned is found in Mekilta and Sifre side by side with the other tendency. Malbim, who has assembled most of the passages we have cited in his commentary to Lev. 4.2 and 15.2, has discussed the matter at length and tries to harmonize the contradiction in the following manner: the phrase "the children of Israel" is restrictive, and means that a given law applies only to free, male and native born Jews. If a law in which this phrase occurs is to apply also to women, slaves, and converts, some "inclusive" expression, such as "say unto them," must be found in the context. This is the procedure in the Sifra and Sifre Zutta passages mentioned. Where no such restrictive phrase appears, the blanket obligation of the convert to observe the commandments is applicable.—But this harmonization is dubious. The "blanket obligation" is found in Midrashim from the school of R. Ishmael, which contain comparatively few cases of the individual interpretations. These are most numerous in Sifra, of the school of Akiba, and Sifre Zutta, held by some scholars to emanate from the school of Eliezer b. Jacob. It is questionable, at least, whether these different schools shared the same exegetic approach to this matter. Further, there are several cases in Leviticus where the restrictive phrase "the children of Israel" occurs, without the application of Malbim's norm in the Sifra. (E.g., Lev. 11.2; 18.2; 19.2; 23.2, 9.) Apparently there was no absolute consistency in the handling of this matter.

One can only conclude that, despite the numerous Biblical and Rabbinic utterances placing the convert on the same legal footing as the born Jew, many Rabbis were not completely satisfied. They regarded the convert as

an exceptional type, and found it desirable to prove that the Biblical laws individually were binding upon him. Perhaps the frequent mention of the "stranger" in the Biblical text, even when there is no special point in such mention, gave them this notion. Perhaps also those Rabbis who suspected the converts of laxity in the performance of the commandments[10] thought it well for them to have special exhortation.

* * *

One of the most important legal generalizations on our subject is the oft repeated "A convert is like a child just born"—that is, he has absolutely no blood relations. This, of course, has important implications for the laws of marriage, inheritance, and testimony (since blood relations cannot testify together).[11] It should be noted that this application of the phrase does not exactly fit the words —but legally that is what the principle means: the convert has no blood relatives.

In haggadic passages the sense is different. Thus, in reply to the view that converts suffer for having violated the Noahide laws prior to their conversion, R. Jose argues that a convert is like a new-born child, that is sinless and guiltless.[12]

* * *

Regarding the liability of a convert for misdeeds prior to his conversion, a differing view is also found: "Said R. Hanina: A Noahide who blasphemed the Name and was afterwards converted, is exempt from punishment, since both the method of his trial and of his punishment have been changed." (I.e., a Noahide may be tried by a single judge, convicted on testimony of a single witness, etc., and is executed by decapitation, while a Jew—native or convert—is punished for blasphemy by stoning).[13] The context in Sanhedrin quotes a baraita: "A Noahide who smote his neighbor or violated his neighbor's wife and

then converted is exempt from punishment; but if he did so to an Israelite and then converted, he is still liable." The Gemara finds the second part of this baraita contradictory to the principle laid down by R. Hanina, and is forced to use pilpulistic methods to settle the difficulty. To us, however, the confusion is easy to understand. The Rabbis, even at the cost of consistency, would not absolve a convert from the guilt of a serious crime previously committed against a Jew.[14]

In sum, a convert begins an entirely new life with his conversion. His former family ties are (legally at least) completely broken; and his old sins (unless they were particularly heinous and committed against Jews) forgotten.

* * *

Should we have to choose among victims of poverty, captives to redeem, people in danger of losing their lives, etc., the Mishnah gives us a table of precedence as to who shall have first consideration. The order is: priest, Levite, Israelite, *mamzer*, *Nathin*, convert, freedman.[15] A baraita[16] explains that the *Nathin* precedes the convert because he grew up with us in holiness while the convert did not; the convert precedes the freedman, because the latter, while a slave, was in the category of the accursed (Gen. 9.25). Another baraita quotes R. Simeon b. Johai to the effect, that but for this qualification, the freedman would precede the convert, since he grew up with us in holiness.[17]

Ginzberg has stated that this Mishnah is later than the tradition cited in Yeb. 37a, which supposed goes back to Hillel, and which contains a list of the classes in which converts are mentioned before *mamzerim* and *Nethinim*. In this older tradition, apparently, Ginzberg sees a more favorable attitude to converts than in m. Horayot, and he ascribes the change to the rise of Christianity, which made Judaism less friendly toward proselytes.[18] However this

may all be, there is no connection between the two passages. Our Mishnah concerns order of precedence; the tradition mentioned by Ginzberg concerns marriage between different castes in the community.[19]

* * *

Purely theoretical is the discussion in which it is argued that converts have no portion in Palestine as divided among the tribes. An apparent contradiction to this view is found in Ez. 47.23; this is explained as meaning either a) converts receive atonement along with the tribe in which they have settled, or b) converts have the right of burial in Palestine.[20]

Ritual Matters

2. First Fruits, etc. (WEIL, P. 91.) M. Bik. 1.4 reads: "These bring (first fruits), but do not recite (the usual confession): The convert brings and does not recite, because he is unable to say (Deut. 26.3) 'which the Lord swore unto our fathers to give us.' But if his mother was from Israel, he brings and reads. And when he prays privately he says (in the *Amidah*) 'God of the fathers of Israel'; and when he is in the synagog, he says 'God of your fathers.' But if his mother was from Israel, he says 'God of our fathers.' "

This is one of the passages cited, by Schuerer and others to prove that the Rabbis were unfriendly toward converts.[21] Of course, had Schuerer consulted a Mishnah text, instead of borrowing his citations, he would have noted in Bertinoro's commentary, that the halakah does not follow this Mishnah!

This appears from the extended treatment of the Mishnah in the Yerushalmi.[22] First, there is an effort to make sense out of the phrase "if his mother was from Israel." For how can a first generation convert have a Jewish mother? Two explanations are given, one of them by Benjamin b. Ashtor, of a proselyte family. But both the

text and interpretation of these statements are uncertain. In this section is the report that Rabbi heard members of the house of bar Ashtor, who were second generation converts, using the form "God of our fathers," and that he found this procedure to be at variance with our Mishnah.

Then follows a direct criticism of the Mishnah phrase, "if his mother was from Israel," in the name of R. Zeira. God swore to give the land to the fathers, and to their male descendants: He never swore to the females. How then can a convert recite this confession even if he had a Jewish mother?

Finally, there comes a baraita at odds with all that has preceded: "It is taught in the name of R. Judah: The convert himself brings and reads. What is the reason? (Gen. 17.5) 'The father of a multitude of nations have I made thee.'—Formerly thou wert a father to Aram (Abram)—henceforth thou art a father to all nations." R. Judah's view is declared halakah by R. Joshua b. Levi, and R. Abbahu is reported to have decided a case according to it.

Maimuni adopts the same view as halakah,[23] but there is some doubt about the matter and not all authorities agree.[24] There are in fact several passages which agree with the anonymous mishnah, and one of them is in the name of R. Ashe, and hence presumably authoritative.[25] On this basis, the author of Mishneh LaMelek takes Maimuni to task for deciding according to the Yerushalmi against a Babli passage. He adds that while R. Judah's view that Abraham is the father of all nations, hence of converts, would permit a convert to say "which He swore unto our fathers," he would still be unable to say "the land which Thou hast given me."[26] Even the priests and Levites are allowed to recite this passage only because they have a few cities with open land assigned to them (Num. 35). Further, he argues, Maimuni accepts the undisputed rule that converts may not recite the tithe con-

fession (which contains the phrase "the land which Thou hast given us," Deut. 26.15) "because they have no portion in the land."[27]

We need not follow further the arguments of later halakists, but may summarize our findings as follows:

1. By all accounts the convert *does not* recite the tithe-confession, though he has the obligation of giving all of the tithes.

2. Although there was some difference among the Tannaim, the view of R. Judah prevailed that in prayer converts may use the formula "God of our fathers." It was undoubtedly this question that came before R. Abbahu, as it had previously come before Rabbi, for the first fruit offering ceased with the fall of the Temple.

3. As to the right of the convert to bring first fruits and recite the usual confession, there was a similar disagreement between R. Judah and other scholars. It is not quite certain whether R. Joshua b. Levi, in declaring that the halakah is according to R. Judah, was referring to this or to the preceding question. R. Ashe decided against R. Judah.[28]

But there is no indication that the Rabbis who opposed R. Judah did so out of hostility to converts.[29] They were concerned with technical correctness. Similarly, R. Meir would not permit priests and Levites to recite the tithe-confession because they have no portion in the land; but R. Jose pointed out that they had the cities with open land about them, and might therefore recite it.[30] There was no question of hostility to priests or Levites; the authorities did not want anyone to recite a prayer which was (even in a formal sense) incompletely true. So also in the present case. But while these scholars were not in this matter hostile to converts, R. Judah in his desire to break down any distinctions, displays a positive friendliness. And in the one matter of continued practical importance, namely the daily prayer, his friendly view has prevailed.

3. Prayer.[31] The daily Tefillah contains a special mention of proselytes: "Towards the righteous and the pious, towards the elders of Thy people, the house of Israel, towards the remnant of their scribes, towards the proselytes of righteousness, and towards us also may Thy tender mercies be stirred, O Lord our God." This formula is in accordance with an injunction found in the Tosefta (ber. 3 end) that one should "insert the petition for converts in that for the elders; but if he recites them separately, he has done his duty." From this passage, Graetz[32] argues that originally there was a fuller and independent form of the prayer for converts; later (in the interests of brevity, perhaps) this was combined with the prayer for the elders. On the other hand, Elbogen[33] supposes that the reference to *gerim* was first introduced into the prayer for the righteous at about the same time as the addition of the *Birkat HaMinim*, and that the Tosefta refers to this innovation. In any case, the special mention of the converts in the daily prayer is an indication of the importance of these converts in the minds of early and influential Tannaim.

4. Passover. A convert observes the Passover in the same general manner as a born Jew. From the Scripture "And when a stranger shall sojourn with thee and will keep the Passover to the Lord, let all his males be circumcised and then let him come near and keep it" (Ex. 12.48, similarly, Num. 9.14), you are not to suppose that the convert should bring a special paschal offering immediately after his conversion. As the context shows, it means that having been converted, he may participate in the Paschal sacrifice on the next succeeding Passover.[34]

For the same reason, according to some Tannaim, a convert who enters the Jewish faith between Passover and "Pesach Sheni" (Num. 9.9 ff.) need not observe this supplementary festival. Only Jews who were unable to observe the regular Passover need observe Pesach Sheni;

and since at Passover-time our convert was still a heathen and thus not obligated to observe the Passover, he need not make up for his failure to do so.[35] Rabbi, however, held that one converted between the two occasions must observe the second Passover, and so with a minor who comes of age during the same period.[36] The point at issue does not concern converts; it is the exact character of Pesach Sheni, which R. Nathan regards as a mere substitute for the original Passover, while Rabbi considers it an independent festival.

More significant is a controversy between the schools of Hillel and Shammai: "If one is converted on the eve of Passover (i.e. on Nisan 14) Bet Shammai say: He takes a ritual bath and eats his Paschal sacrifice in the evening; but Bet Hillel say: One who separates himself from the foreskin is like one who separates himself from the grave."[36a] This means that Bet Hillel regard the convert as ritually unclean; to enter the Temple he must be sprinkled on the third and seventh days with water containing ashes of the red heifer, as if he had been unclean by contact with a corpse. A baraita[37] explains that the two schools did not disagree regarding a Jew who had not been circumcised because his older brothers had died from the operation. If such a one is circumcised on Nisan 14, he may bathe (or be sprinkled) and eat his sacrifice in the evening. The difference concerns only the case of a heathen entering the Jewish faith.

What was the basis of this controversy? The Palestinian Gemara[38] tries to find it in divergent interpretations of Num. 31.19. But this is rejected: the view of Bet Hillel could not have had a Biblical foundation, for they agree that if (without the week of purification) the blood of the Paschal lamb was sprinkled on behalf of the convert, it was acceptable (*hurzah*) and the convert was allowed to eat the sacrifice.

In the Babli (loc. cit.) R. Johanan gives a different explanation: Bet Hillel made this decree to protect the

convert against mistakes in the future. Should he in the coming year defile himself by contact with the dead, he might say: "Last year I bathed and immediately ate of the Paschal lamb—now I shall do the same." He might not understand that while he was a heathen, he was not susceptible of ritual defilement, whereas now his status is entirely changed and he must submit to sprinkling on the third and seventh days.

R. Johanan's reason is logical enough; but the Tannaitic sources give no hint that Bet Hillel's intent was just precautionary; and modern scholars have attempted to probe more deeply into the issue. Strack-Billerbeck[39] suppose that Bet Hillel wished to make baptism the distinctive act of conversion: to this end they separated it from circumcision and prefixed a week of purification to it. But there is no proof of the theory; and normally the convert had to wait for baptism until he had recovered from the circumcision.

New light is shed on the matter by Büchler.[40] There was a marked tendency during the last years of the Second Temple to change the ritual status of non-Jews. Whereas originally the laws of Levitical purity applied only to those who were under the authority of the Torah, the trend was to declare these laws applicable to all men. Since the Gentiles did not observe them, they became permanently defiled. In the present case, Bet Hillel were attempting to ascribe to Gentiles the liability to defilement by a corpse. This would automatically necessitate that a convert undergo the usual purification before participating in the Paschal rite. This innovation was resisted by the more conservative Shammaites.

Büchler's thesis seems to me convincing; but in any case, certain conclusions can be drawn for our purpose. First, Bet Shammai here oppose a suggestion which would make the admission of proselytes more complicated. Evidently they were not so unfriendly to converts as some have supposed.[41] On the other hand, Bet Hillel

were certainly not led to their proposal by any ill-will to converts but either (following R. Johanan) by a desire to protect them from error, or (according to Büchler) by certain considerations regarding the unconverted Gentile. Finally, this controversy was a practical matter, dating as it does from the time when the Temple still stood. No doubt, the semi-converts, the "fearers of the Lord," who were in Jerusalem at Passover time were powerfully affected by the sight of the vast multitudes assembling there, and desired to take part in the feast. Thus Passover might well be the critical point at which half-way converts made their final decision. It was natural for the question to arise whether such last moment converts could participate at once in the celebration.[42]

Of highest interest is the statement that we do not make up a *haburah*, that is a company to partake of a paschal lamb together entirely of converts.[43] The interest attaches to the reason given for this rule. The Babli reads: "lest they be too meticulous and bring it to unfitness," i.e., in their zeal they might suppose that the lamb had been rendered *pasul*, unfit, when actually this was not the case. The Palestinian Talmud reads: Because they are corrupt, they will not be sufficiently meticulous with it and will bring it to unfitness," i.e., actually render the sacrifice *pasul*. Strangely enough neither of the texts is entirely certain. R. Hananel's Babli text read "lest they be insufficiently meticulous." But the Leyden ms. of the Yerushalmi preserves a reading similar to that of the Babli prints.[44] Here we see the divergent attitudes toward converts, one of which recognizes the often excessive zeal of new proselytes, the other reflecting the prejudice of the native against the foreigner.[45]

Moore (Vol. I, p. 330, n. 4) states that "the criterion which decides whether a man is a proselyte or not is whether he may participate in the passover meal, as among the converts to Christianity it was whether he might participate in the sacrament of the Eucharist."

This statement is not exactly wrong; but the sources quoted do not prove it. In fact, a Jew uncircumcised because of prior deaths in his family is in every sense a member of the community; yet he may not eat of the Paschal sacrifice.

5. Sacrifice. If a convert dies, leaving an animal already set aside for sacrifice, this must be properly offered. If he has made provision for libations to accompany the sacrifice, this money (or wine) is utilized; but if he had set nothing aside for this purpose, the drink-offering must be provided out of the communal funds.[46] The reason is that ordinarily the libations would be provided by the heirs of the dead man or by his estate. But (unless he has a family after his conversion) a convert has no heirs and his estate becomes the property of the first one to appropriate it after his death.[47] Hence the Temple treasury must make provision, so that the animal already devoted to holy purposes may be properly sacrificed.

6. Payment of Priestly and Other Dues. (WEIL, P. 92 F.) One Mishnah states: "If a convert has some dough which was prepared prior to his conversion, he is free from the obligation to give the dough-offering (*hallah*). If it was prepared after his conversion, he is obligated (to give the offering), and if there is doubt (as to the time) he is obligated."[48]

But another Mishnah declares: "If a convert has a cow which was slaughtered prior to his conversion, he is free (from having to give the priest the shoulder, cheeks, and maw). If (she was slaughtered) after his conversion, he is obligated (to give them). If there is doubt, he is free, for the burden of proof is on the claimant."[49]

The Rabbis of course noted this apparent contradiction, which gave rise to discussions of some length. In the Babli (Hul. 134ab) the difficulty is raised by Abaye, and Raba replies: "Doubts in matters of ritual prohibition

(*issur*) are decided on the stricter side; doubts regarding civil claims (*mamon*) are decided leniently." He then cites a statement, ascribed to R. Hisda and also to a baraita of R. Hiyya: "Eight doubtful cases are mentioned regarding the convert, in four of which he is obligated and in four free. 1. The sacrifice of his wife (after childbirth, if it is uncertain whether the child was born before or after the conversion); 2. the dough-offering; 3. (redemption of) the firstling of clean cattle and 4. the firstling of unclean cattle—in these cases he is obligated," for, says Rashi, violation of these laws is punishable by excision and death. "(In the following cases the convert) is free (from the doubtful liability): 1. the first of the shearing; 2. the dues (from a slaughtered animal); 3. redemption of the (first-born) son; and 4. redemption of the firstling of an ass." For in these cases, Rashi explains, there is no *issur*, but merely a financial claim of the priest.[50]

The discussion in the Palestinian Gemara (Hal. 3.5.59b) is more complicated, but along similar lines. The conclusion is somewhat different. According to R. Ammi and several other authorities, the dough-offering must be given to the priest in doubtful cases, but the priest must reimburse the convert for its value. Thus the ceremonial aspect is decided stringently and the financial aspect leniently. This compromise is not mentioned in the Babli and does not appear in the codes.[51]

A related question concerns the obligation of a convert to give the gleaning, "corner" (*peah*) and forgotten sheaf to the poor, if there is doubt whether his field was cut before or after his conversion. The Amoraim had contradictory opinions of R. Meir on this subject, and these in turn became the basis of a somewhat obscure argument between R. Johanan and Resh Lakish.[52] The law appears to be that in doubtful cases, the convert must give these poor dues.[53]

The point of this entire discussion is summed up in

the dictum of Raba. This material does not reveal anything about the Rabinical attitude toward converts; it concerns only the manner in which certain legal doubts are to be resolved.

7. *Menstrual Defilement.* According to Rabbinic law, the contact of a menstruating woman causes ritual defilement not only during the period of discharge, but for a longer or shorter time before the flow starts. The length of time during which she defiles "retroactively" depends on circumstances, specified in the Mishnah, which we need not consider here.[54]

The Tannaim, R. Judah and R. Jose, disagreed as to whether this rule applies to a woman who has just been converted to Judaism. R. Judah held that such a woman, menstruating, causes defilement only from the actual beginning of the flow, while R. Jose held that the same rule applies to her as to any other Jewess. Rabbi is said to have approved R. Jose's view in the matter, and the Palestinian Gemara declares it to be halakah. In several of the sources, this dispute is mentioned together with another controversy of the same Tannaim, as to whether a female convert must wait three months after her conversion before she may marry; but the two questions do not seem to have any inner connection.[55]

It is hard to say just how these views could be applied in practice; the explanation of Rashi and Tosafot ad Ket. is casuistic. Maimuni does not mention the matter, and it seems to have no significant bearing on our main theme.[56]

8. Impurity after Childbirth. If a Gentile woman is in labor, and the forehead of the infant issues from her body (then—I presume—is retracted), and the woman is converted before the child is completely born, she need not observe the laws of purification nor bring the customary sacrifice. (Lev. 12).[57] This bit of far-fetched casuistry illustrates the Rabbinic principle that, legally, emergence

of the forehead constitutes birth. While the child in our case was not delivered till after his mother's conversion, legally he was born while she was still a Gentile. The codes do not mention this *pilpul*, and it has no value for our basic inquiry.[58]

9. Wine in Possession of Convert. It is well known that the Rabbis forbade the use of wine prepared or even handled by heathen, on the suspicion that some of it may have been used in idolatrous practices (*yeyn nesek*). A baraita raises the question whether a convert may use wine which was in his possession prior to his conversion, of which he is sure no part has been used for heathen libations. According to what seems the best text, the sages hold that if the wine was prepared under his own supervision, he may use it but other Jews may not. If the wine was prepared by someone else, neither he nor any other Jew may use it. R. Akiba replied to this "If the wine is forbidden to him, it is forbidden to everyone; if permitted to him, it is permitted to everyone," which R. Johanan interpreted in the most rigorous sense: all such wine is always forbidden.[59]

The matter is not discussed in the codes, and apparently the convert is forbidden to use such wine. But, considering the great stress laid by the Rabbis on avoiding wine which may have been misused by the heathen, it is significant that the present question should ever have been raised. If they could, the Rabbis wanted to protect the convert from financial loss as a result of his conversion.

10. Scroll of the Law. It is reported in a baraita that R. Simeon b. Gamaliel once permitted the use of a Torah-scroll written by a heathen in Sidon. This is too incredible for the Amoraim to accept; and Rabbah b. Samuel and R. Ashe explain that "heathen" here means a convert who was later terrorized into outward apostasy. Since he was at heart faithful, the scroll he wrote is fit for use.

Whether or not the Babylonian authorities were historically correct, their view is duly recorded in the codes.[60] It indicates at least a certain tolerance toward converts who under duress abandoned their new religion.

11. Vows. If one makes a vow to accept no benefit from "Israel," he is also forbidden to take anything from converts.[61] The Shulhan Aruk even extends this provision to the case in which the vow was to accept no benefit from "the seed of Abraham," but this is not mentioned explicitly by the sources or Maimonides.[62]

Marriage and Related Matters

12. Nation of Origin as a Bar to Intermarriage with Jews. (WEIL, P. 65 FF.) The Torah forbids an Ammonite or Moabite ever to enter the congregation of the Lord, even to the tenth generation (Deut. 23.4 ff.), because these peoples were inhospitable to Israel when they were on their way to Canaan. In the case of Edomites and Egyptians, however, the law permits the third generation to enter the assembly of the Lord (*ibid.*, v. 8, 9).

The phrase "enter the congregation of the Lord" is always understood by the Rabbis in the technical sense of marriage with a Jew. It is nowhere suggested that we should refuse converts from any of these peoples, and Maimuni states definitely[63] that such converts have all the rights of the Jew except that of intermarriage. During the Tannaitic period we hear of at least two cases in point, namely Judah the Ammonite and Minyamin (Benjamin) the Egyptian, of whom more later.

The Rabbis had, however, to reckon with the embarrassing fact that Solomon married an Ammonite, Naamah, who became the mother of Rehoboam (I K. 14.21) and far more embarrassing, that Ruth, ancestress of David, was of Moabite birth. They had thus perforce to insert into the halakah a provision that the exclusion applies only to males of the Ammonites and Moabites.

The Mishnah states: "The Ammonite and Moabite are forbidden (to enter the congregation) and their prohibition is eternal; but their females are permitted at once."[64] Two Biblical bases are given for this distinction. One is the masculine form used in the Biblical law " 'Ammonite' but not Ammonitess; 'Moabite' but not Moabitess."[65] A more logical basis of the distinction is found in the reason for the exclusion (Deut. 24.5) "because they met you not with bread and water in the way"—"whose way is it to meet (travelers)? It is the way of men, not women." Hence the women cannot be placed under the ban, which is properly applied to men.[66] That neither of these exegetic arguments is very convincing is admitted by R. Samuel b. Nahman, who says, "I have only the Mishnah (to rely on)."[67]

Regarding Edomites and Egyptians, the same Mishnah states: "they are forbidden to the third generation, males and females alike. R. Simeon permits the females at once." Although R. Simeon bolstered up his view both by logic and by traditional authority (halakah), his view does not prevail.[68]

This Mishnah receives extended discussion in both Gemaras, partly aggadic, partly legal,[69] a fact which doubtless reflects the desire to overcome the difficulty just stated. Yet this difficulty was only theoretical; for early in the Tannaitic period these laws were declared inoperative. A famous Mishnah reports that "on that day," Judah, an Ammonite convert, asked the scholars if he might enter the congregation. Although R. Gamaliel wished to refuse him permission on the score of the Deuteronomic law, R. Joshua argued: "Long since Sennacherib king of Assyria came up and mixed all the peoples, as it is said (Is. 10.13) 'I have removed the bounds of peoples.' " To R. Gamaliel's objection that Scripture promises the restoration of the Ammonites (Jer. 49.6), Joshua retorted that this has been no more fulfilled than the promises of the restoration of Israel. Accordingly

Judah was admitted to the congregation.[70] The Tosefta adds that R. Gamaliel then asked: "Would you deal with an Egyptian the same way? They replied: Scripture sets a limit to (the scattering of) the Egyptians, as it is said (Ez. 29.13) 'At the end of forty years I will gather the Egyptians from the peoples whither they were scattered.' "[71]

The last point is of particular interest in view of a contradictory report also contained in the Tosefta. R. Judah tells that Minyamin, an Egyptian proselyte, was a fellow-student of his under Akiba. This man declared that he had married an Egyptian convert and intended to marry his son to an Egyptian convert, so that in the third generation they might properly intermarry with Jews. To this Akiba replied: "Minyamin, you err as to the halakah. Long since Sennacherib king of Assyria arose and mixed all the peoples," etc.[72]

The other versions of this baraita differ widely. In four passages, only Benjamin's statement is given, and Akiba's reply is not mentioned: the obvious implication being that the opinion of t. Yadaim was correct.[73] Still a third version of the baraita is given in the Palestinian Gemara.[74] Here, as in the other Palestinian sources, Minyamin proposes to marry his son to an Egyptian convert. But Akiba replies to him: "No, my son, but do you marry him to the daughter of an Egyptian convert woman, so that there may be three generations on both sides."

The situation is thus exceedingly complicated. In one tosefta passage the limitation against Egyptians is declared in force; in another, Akiba declares it abrogated. In the Babli and Tannaitic Midrashim, he is represented as tacitly admitted its validity; in the Yerushalmi he is reported to have insisted on enforcing the rule minutely! The critical problem thus raised cannot be pursued further in this study. It should be stated that no further cases are reported in the Talmudic literature, so far as I know, and that Maimuni declares this law obsolete.[75]

Nevertheless the implications of these laws lead to rather extended discussions. One concerns the right of Ammonite women to marry into priestly families. The discussion is attached, strangely enough to Lev. 21.14. Sifra to this verse (Emor chap. 2) finds in it an indication that the daughter of a converted Ammonite woman is permitted to marry with a priest. But according to the Talmuds,[76] R. Johanan also permitted the daughter of a male Ammonite to marry into the priesthood, even in cases where the mother was a Jewess, who was married to the Ammonite in violation of the Biblical law; R. Johanan also permitted the priests to marry the daughter of a second generation Egyptian and a Jewess. Resh Lakish, however, forbade such unions. Johanan's opinions (for which there was some foundation in Tannaitic material) appear in part directly, but especially in connection with his comments on a baraita recited in his presence by R. Zakkai. The Babli gives two versions of this baraita and three of R. Johanan's remarks; and the palestinian Talmud is entirely different in both. This material is of high interest, not only as regards textual criticism, but for the light it may yield on the relationships between the Babylonian and Palestinian schools; but these problems must be passed over now. Suffice it to say that by all accounts, Johanan permitted a priest (according to the Yerushalmi even a high priest) to marry the daughter of an Ammonite convert and a Jewess, or of a second generation convert and a Jewess, while Resh Lakish forbade it; and there was traditional support for both of them. The halakah follows R. Johanan.[77]

Of particular interest is the term *gioret mikkanah* ("proselyte of her own status") used in one of the Babli versions of R. Zakkai's baraita. (Yeb. 77b) It means the daughter of two converts from the same people—e.g., both Ammonites—who was born after their conversion.

Another problem that is discussed is the status of a child born to Egyptians of different generations, or to a couple,

one Egyptian and one Ammonite. These problems have more extended significance in that they involve the general problem: does a child in these doubtful cases follow the status of mother or father? The different Babylonian scholars who visited Palestine gave divergent reports of R. Johanan's opinion on these matters, but the report of R. Dimi[78] is finally accepted: "When a second generation Egyptian marries a first generation Egyptian woman, her child is considered a second generation Egyptian." In replying to R. Simeon (who held that female Egyptians and Edomites might intermarry at once with Jews), R. Judah cited Deut. 23.9: "The children of the third generation that are born to them" as indicating that Scripture makes the status of the child dependent *on birth*—i.e., on the status of the mother. And this view meets with R. Johanan's approval.[79] Finally, Rabina quotes R. Johanan to the effect that when Gentiles intermarry with one another, the child follows the status of the father; but if they marry after conversion, he acquires the disqualifications of both parents. The Gemara deduces from this that when an Ammonite marries an Egyptian woman, sons have the status of Ammonites, daughters the status of Egyptians.[80]

This whole topic is rather complicated, but the complications are of a literary-critical character, relating to textual criticism and to the transmission of traditional material. So far as our basic purpose is concerned, there is no difficulty. The Rabbis not only declared that the Biblical restrictions are obsolete, but they attempted to relax the laws even in theory, so as to permit the marriage of priests with women of Moabite and Ammonite origin. It should be repeated that the Biblical law was never regarded as possibly forbidding the admittance of proselytes from these peoples, but only as restricting their marriage with legitimate Jews.

Regarding the "Nethinim" only a brief word is necessary. Whatever the historical origin of this group may

have been, they are regarded by the Rabbis as descendants of the Gibeonites who converted in the days of Joshua. Joshua ordained that they should do menial service in the Temple when it should be erected, and that in the meantime they should not "enter the congregation." As a result of their cruelty in regard to the family of Saul, David made this exclusion permanent. It is stated that in the days of R. Elazar b. Azariah (or according to the Babylonian version, of Rabbi) an effort was made to release them from their status of perpetual servitude, but legal difficulties rendered this impossible.[81]

This is really nothing but theory, most of it aggadic rather than halakic. The Nethinim are mentioned repeatedly in Ezra and Nehemiah and once in Chronicles (I Chr. 9.2), but nowhere else in the Bible or in other pre-Rabbinic literature. In the Talmudic writings they are often mentioned, but I have not found a single instance of an individual living in the Talmudic period who was a Nathin or descendant thereof. This subject may thus be relegated safely to our aggadic section.[82]

13. With What Classes May the Convert Marry? (WEIL, P. 92.) The Mishnah lists ten genealogical categories "that came up from Babylon": priests, Levites, Israelites, disqualified priests, converts, freedmen, bastards (*mamzere*), Nethinim, those of doubtful paternity, and foundlings. Priests may intermarry only with priestly, Levitic, or unblemished Israelite families. Levites and Israelites were also permitted intermarriage with converts and freed slaves. The two latter classes, who may not marry priests, are also allowed to intermarry with the last four categories, which are forbidden to the native Jew.[83]

Although this Mishnah, to judge by the phraseology, is quite ancient, it was not accepted without challenge. R. Judah expressed this challenge by stating that there are four congregations: priests, Levites, Israelites, and converts. He refers here to Deut. 23.3, 4, where the word

"congregation" is used four times in connection with those who may not marry into the Jewish fold. R. Judah assumes that this four-fold repetition refers to the four parts of the congregation. Hence those who may not marry native Jews are also forbidden to marry converts. The other sages hold that there are only "three congregations," or as it is put elsewhere "the term 'congregation' does not apply to converts": hence they may intermarry with those castes forbidden to born Jews.[84]

This disagreement also appears in a baraita that links together two questions: may a convert marry a *mamzeret*? and may he marry a woman of priestly family? We shall, however, consider the two questions separately.

R. Jose permitted a convert to marry a *mamzeret*; R. Judah forbade the union. R. Judah's objection is based on his divergent interpretation of Deut. 23.3, 4, and his determination to regard the convert as part of the congregation. The view of R. Jose, agreeing with the anonymous Mishnah, prevailed.[85] However, the offspring of such a marriage (no matter which parent is which) is by all accounts a *mamzer*.[86] In the Gemaras, Resh Lakish objects to R. Johanan that this rule conflicts with the Mishnah (*ibid.*) that where betrothal occurs without sin, the offspring has the status of the father. There are different versions of R. Johanan's reply; but in any case, the rule itself is unchallenged, and the solution is found in limiting the application of the Mishnah.

The permissibility of marriage between a convert and a *mamzer*, though apparently settled as halakah seems not to have been well known. It is reported that the inhabitants of Mahoza, where converts were numerous, displayed vigorous resentment when this halakah was preached to them.[87] Highly interesting is a story[88] of a convert who questioned R. Jose on the subject, and was told that the marriage was permitted. Then he asked R. Judah about it and received the answer "It is permitted; but know that your children will be *mamzerim*." It is

strange that R. Judah should have declared the union permissible; two commentators[89] explain that R. Judah meant: even according to the view of R. Jose, who permits the marriage, the children are *mamzerim*. This may be right; I can find no better explanation.[90]

The descendants of a convert, providing that they do not intermarry at all with born Jews are likewise permitted to marry a *mamzer*. According to a baraita, this permission extends to ten generations; but another opinion is also cited that it continues only until the origin of the family is lost sight of.[91] The latter view is adopted by Maimuni.[92] The reason for this is clear. Although the child of converts has the status of his parents, we do not permit him to marry a *mamzer* if people are not aware of his status, and might suppose that he was a native Jew violating the law.

Joined with this controversy in the baraita mentioned above (n. 85) is the rule that a convert (or freedman) may marry a woman of priestly birth. This point is not disputed, for, as Rab put it, "Fit women (i.e. priestesses) are not forbidden to marry unfit men."[93] The halakah is: a convert is permitted to marry either a *mamzeret* or a *priestess*. (Kid., *ibid.*) R. Jose said: A convert is like cotton, which may be mixed with either wool or flax—i.e., may marry either a priestess or a *mamzeret*.[94]

But as we have seen from the Mishnah, a priest may not take a convert as his wife. In Lev. 21.7, the priests are enjoined against marrying a *zonah*, usually translated "harlot." The Rabbinic authorities, however, regard the word as having here a technical sense, meaning any woman of foreign birth, without regard to her character.[95] Even though her conversion occurred before the age of three (so that her virginity is not questioned), this rule applies. R. Simeon indeed permitted the priests to marry one converted at so tender an age,[96] and a case was once decided according to his view in the days of Rabbi.[97] But R. Nahman b. Isaac stood uncompromisingly

by the more rigorous view in a similar situation,[98] and so the halakah has been fixed.[99]

Regarding marriage between a priest and the daughter of a proselyte, opinions differ.[100] R. Judah held that the daughter of a male convert is like the daughter of a disqualified priest, unfit for the priesthood; and so for all daughters in the male line. Should, however, the daughter marry a Jew, their daughter might marry into the priesthood.[101] R. Eliezer b. Jacob held that the daughter of an intermarriage might marry a priest, regardless of which parent had been converted.[102] Finally, R. Jose permitted even the daughter of a converted couple to marry a priest.[103]

In the Gemaras, these three opinions are traced back to divergent interpretations of the same Scripture;[104] in the Babli, R. Judah's view is also bolstered up by use of generalization (*binyan ab*). But the halakah follows R. Jose: so Ulla reports in the Babli, R. Johanan in the Yerushalmi. It is added (b., Rabbah b.b. Hana; p., briefly, Rab) that since the destruction of the Temple, the priests have guarded their prestige by following R. Eliezer b. Jacob and marrying the descendants of converts only if the families of the latter had already intermarried with Jews. R. Nahman reports in the name of Huna: If a priest consults us on the matter, we teach him the view of R. Eliezer b. Jacob. If, however, he has already married (a daughter of converts), we do not require a divorce, according to R. Jose. (b., *ibid.*) It is noteworthy that R. Abbahu once attempted to punish a priest who had married the daughter of a converted couple.[105]

It appears that the right of a convert to marry a *mamzeret*, though interpreted by Raba[106] as a kindness, is in a sense discriminatory legislation. It is based on the view that converts are not altogether assimilated to the "congregation of the Lord," and so may marry classes which are too degraded for the born Jew. Hence, the inhabitants of Mahoza, who included many converts, were highly

incensed when this permission was publicly accorded them.[107] So also R. Judah, who was particularly favorable in his attitude toward converts and considered them to be technically in the "congregation" forbade them to marry *mamzerim*.[108] It is also possible that R. Jose, who opposed R. Judah on this point, had a somewhat supercilious attitude toward converts.[109]

On the other hand, it may be positively stated that the objection to marriage with priests does not indicate an unfriendly attitude. Bialoblocki has pointed out (pp. 24-26) that on this point R. Jose and R. Judah reverse their positions, R. Jose permitting the priest to marry a daughter of two converts, while R. Judah does not allow him to marry the daughter of a male convert, even if her mother was Jewish. The point at issue here is the attitude not toward converts, but toward the priestly caste. Traditionally, the priests had laid great stress on an unblemished family tree, and had married only with families whose origins were known to be of the finest. No matter how friendly one might be toward the convert, one could not regard him as of the aristocracy of Israel. Rabbi Abbahu, who felt so strongly on this point as to order flogging for a priest who married the daughter of two converts (above, n. 105), is known for his enthusiastic homily in praise of proselytes (Ch. IX, n. 11).

One who has been emasculated is forbidden to "enter the congregation of the Lord," but according to the prevailing view, may marry a convert or freedwoman.[110]

The Mishnah states that one who has been suspected of illicit relations with a slave or idolatress should not marry her if she is later freed or converted. If the marriage takes place, however, we do not insist on divorce.[111] The Gemara argues that the only objection to such a marriage is that we may doubt if the conversion is sincere; but the halakah permits the acceptance of converts even if their motives are questionable. (Above, Ch. III, sec. 2.) Why then, should not the marriage be entirely legitimized? Be-

cause of the undesirable gossip such a union will cause, says R. Assi. (Prov. 4.24.)

Similarly, a Gentile or slave who has had relations with a Jewess should not marry her if he is later freed or converted; but if he does so, the marriage is valid.[112]

14. Consanguinity, Incest, and Levirate Marriage. We have already discussed the principle "A convert is like a new-born child" (sec. 1). This principle, as explained, usually means that a convert has no family ties whatsoever. All consanguinity is nullified by his conversion, which makes him an entirely new being. According to strict Biblical law, says Maimuni,[113] he might even marry his own mother. But the idolater (Noahide) is forbidden to marry his mother, his father's wife, and his maternal sister.[114] Application of the Biblical rule might lead a convert to suppose that by conversion he had "come from a stricter to a lesser degree of holiness." To prevent such a misconception, the Rabbis decreed that marriage with the mother or a sister on the mother's side is forbidden. This is derived by Maimuni from Yeb. 22a, where Raba tells R. Nahman of a scholar who reported a Palestinian discussion as to whether the secondary degrees of consanguinity are forbidden to converts. To this R. Nahman remarks that since primary incest is forbidden only for the reason stated above, we need not even consider the secondary relationships.

A Mishnah states that when the sons of a converted woman are converted with her (or the sons of a freedwoman are freed with her) they do not observe either *halizah* or levirate marriage. This applies even though the first son was begotten before the mother's conversion and born afterwards, while the second was both begotten and born "in holiness."[115] The exact meaning of this passage is not entirely certain, and in the lengthy discussion found in the Babli[115a] two interpretations emerge. One is that if one brother dies, the other may not marry the widow at

all, even though the levirate rule is not observed. The other holds that since the laws of *yibbum* and *halizah* do not apply to the mother, they do not apply to the sons either; but they are permitted to marry the brother's widow. The Gemara attempts to decide between these two opinions, first by minute scrutiny of the wording of the Mishnah, then by introduction of other evidence, which however is twisted to fit both views. This evidence, which is of value in itself, will be reviewed before we state the conclusions as given by Maimonides.

(a) "Twin brothers, converts or freedmen, do not observe *yibbum* or *halizah* and are not guilty for marrying the (dead) brother's wife. If their begetting was not in holiness, but their birth was in holiness, they do not give *yibbum* or *halizah*, but they are guilty for marrying the brother's wife. If both their begetting and birth were in holiness, they are like Israelites in every respect.[116] From this baraita, Raba deduces that the Rabbinic principle "The Egyptian (heathen) has no paternity" is not based on a purely realistic doubt of heathen virtue, so that where paternity can be definitely established the same laws would apply as in the case of Jews.[117] The rule is technical and always in force. For it is stated definitely in the case of twins, who *must* have had the same father, that they do not observe the rules of *yibbum* and *halizah*. Ordinarily, brothers observe these laws only when their consanguinity is paternal.

(b) Two cases are cited in which the marriage of a convert to his maternal brother's widow was approved. One is that of a certain Neophytos, whose marriage was validated by the sages.[118] The other is reported by Bar Yasyan, who found in the cities of the sea a convert who had married the widow of his brother by his mother. Inquiring as to the authority for this, he was told that R. Akiba had visited the city and declared such unions permissible.[119] In both these cases the Gemara insists that the brother had married the woman while a heathen, and upon conversion

the marriage lapsed. When she married the surviving brother, she was not really the brother's widow, since she was not married to him by Jewish law.

(c) Somewhat different is the case of the sons of a slave-woman named Judan[120] who were permitted to marry one another's wives by R. Aha b. Jacob. Raba said to him: Rab Sheshet forbade it; and received the answer: He forbade it, but I permit it. The Gemara explains that by all accounts the sons of the same father may marry one another's wives, while sons of the same mother are forbidden. The point at issue is when they are all sons of the same mother *and* father. According to R. Aha b. Jacob, they are regarded as the sons of Mr. So-and-so, and hence are permitted to marry the brother's wife, while R. Hisda says they may also be known as the sons of Mrs. So-and-so. Another explanation is that R. Aha b. Jacob does not agree that brothers on the mother's side are prohibited from marrying one another's wives.

(d) A baraita which states that "a convert whose birth was in holiness, but whose begetting was not in holiness has consanguinity on his mother's side, but not on his father's."[121] This principle determines whether he may keep or must divorce relatives married prior to his conversion. He may keep his half-sister by his father, his father's half-sister by *his* father; and, according to the sages, his mother's half-sister by her father. He is also permitted his brother's wife and the wife of his father's brother. But he must divorce his half-sister by his mother, his father's half-sister by *his* mother, his mother's half-sister by her mother, and according to R. Meir, even his mother's half-sister by her father.—R. Meir applies the principle of maternal consanguinity more strictly. Other incestuous relationships (the Gemara says this means the father's wife) are permitted.[122]

The Palestinian sources have divergent forms of this tradition, which do not refer to a convert who was born in holiness, but to all converts without distinction. Ac-

cording to the Yerushalmi, R. Meir requires the convert to divorce his half-sister on either side, and his mother's sister; R. Judah permits him to keep his half-sister by his father and his mother's half-sister by her father.[123] Other incestuous relationships are permitted, but the Gemara adds that they should not be entered on deliberately when the law is known (*lekat'chilah*).[124]

Maimuni's conclusions[125] are: a convert is always forbidden to live with his mother or sister. Otherwise, he is forbidden to marry anyone to whom he is related through his mother, but he is permitted to marry relatives on his father's side even if there be no possible doubt as to the consanguinity. He may therefore marry the wife of his half-brother by his father or the wife of his son, even though the first marriage took place subsequent to the conversion of the first husband. He is also permitted to marry his mother's half-sister by her father and his own half-sister by his father. He is forbidden his half-sister by his mother, his mother's half-sister by her mother, and the widow of his half-brother on his mother's side, if the prior marriage took place after the brother's conversion. If it occurred prior to the conversion, he is permitted to marry her.

Weil (p. 79 ff.) has some interesting comments on this subject. As a rule, he says, relationship through the mother is given consideration in purely religious matters, as for instance in the question of marrying a brother's widow who has children. In civil matters, paternity is decisive, and for this reason the distinction between one whose "begetting was in holiness" and one who was only born in holiness is introduced. For one begotten prior to his parents' conversion had legally no paternity. These principles are drawn from Roman law. Prior to Caracalla (who granted Roman citizenship to all inhabitants of the Empire), the issue of a proper marriage had the father's status, while one born out of wedlock had the mother's status. Further, the *lex Mensia* provided that the child of

a non-citizen (whether father or mother) was also a non-citizen.

I shall not venture an opinion on these matters; but it does seem to me that behind the material we have presented there is more conflict than appears at first glance. Certainly, there was a definite disagreement as to whether a convert might marry his sister-in-law. Perhaps this has something to do with the divergent opinions as to whether *yibbum* or *halizah* is preferable.[126] Our present object does not require us to penetrate further into the matter. But, clearly, all this material derives from three principles:

1. The Egyptian has no paternity.
2. A convert is as a newborn child.
3. We do not want the convert to think "We have come from a weightier to a lesser degree of holiness." The differences concern only the application of these rules.

The baraita cited above under (d) also discusses the allied question of marriage with two women who are related not to the husband, but to one another. "If he marries a woman and her daughter, he must keep one and divorce one. In the first instance he should not enter upon such a union. If his wife dies, he is permitted to marry his mother-in-law, but some say he is forbidden his mother-in-law."[127]

The Gemara finds the sentence "In the first instance," etc., superfluous, and applies it to what has preceded—even though certain marriages, otherwise incestuous, are permitted when they have taken place, we should not permit them in the first instance.[128]

The Palestinian version of the baraita[129] adds "To what does this statement apply? To the case when he has not 'recognized' (i.e., lived with as his wife) either of them since his conversion. (In such case, he may choose which he will keep.) But if he has recognized one of them since his conversion, she whom he has recognized is his wife. And if he has recognized both—since he has recognized them, he has recognized them! (I.e., the action is valid.)"

This last rule is not accepted by the halakah; as to marriage with the mother-in-law after the wife's death, which is debated in the Babli, the authorities permit it.[130]

15. Contracting of Marriage. A betrothal cannot be concluded by the formula "Be consecrated unto me after I am (or, after you are) converted."[131] This is, of course, logically inevitable; betrothal is inoperative on a non-Jew, regardless of his intent to convert.

16. Marriage Settlement. A child who was converted (according to the Gemara, with her father) when she was less than three years old receives at her marriage the usual contract settlement of two hundred *zuz*. Further, her husband has the right, should he find her unchaste, to charge her with prior misconduct (Deut. 22.13 ff.). The same provisions apply to one who had been a captive or slave, but had been redeemed or manumitted before she was three.[132] Should, however, the conversion, redemption, or manumission occur after the girl is more than three years and a day old, she receives only a *maneh* (100 *zuz*) in her *ketubah*, and no complaint may be made by her husband that he did not find her a virgin.[133]

In other words, if the status of a free Jewess is acquired after the age of three, the law presumes that she may not be a virgin—in the case of slaves or captives because they are subject to violation, in that of converts because of the lewdness of the heathen.[134] Since the husband pays only half the amount he would give a virgin in her *ketubah*, he has no right to make subsequent complaints.

If a Jew and a non-Jew or slave have had relations (regardless of the sex of the Jewish party), and the Gentile is subsequently converted or the slave freed, there is no contractual relationship. If, however, the husband desires to maintain the marriage, he gives her a *ketubah* of one *maneh*.[135]

If a married couple are converted together, their previ-

ous marriage contract remains in force, for it was (we presume) on this understanding that he kept her as his wife, instead of permitting the conversion to dissolve the marriage.[136] The Gemaras[137] limit the mishnah to the essential part (*ikkar*) of the marriage contract, i.e., 100 or 200 *zuz*, but do not obligate the husband to maintain any additional obligations that were in the original contract. The codes[138] definitely fix the *ketubah* in such cases at 100 *zuz*.

17. *Three Months Period.* According to R. Judah b. Ilai, a non-Jewess who was converted (and similarly in the case of a freedwoman or captive) must wait three months after her conversion before she may be married. R. Jose, however, permitted the marriage to take place without delay.[139] R. Judah the Prince endorsed R. Jose's view on this subject.[140]

The provision of R. Judah is analogous to the general principle that requires a widow or divorcee to wait three months before remarrying, so that there may be no doubt as to the paternity of the first child by the second marriage.[141] Here also R. Jose was less strict, permitting a second betrothal (*erusin*) to take place at once, save in the case of a widow, who must not be betrothed during the period of mourning.—Corresponding to this principle, R. Judah required the convert[142] to wait three months so that there could be no doubt that her first child was "conceived and born in holiness." A second baraita[143] extends this rule to any case in which the conversion (manumission, etc.) occurs over the age of three years. This is strange because in the general case, R. Judah requires the delay only when there is some possibility that pregnancy has occurred.

The halakah is according to R. Jose since a) in disputes between Jose and Judah, the halakah regularly follows the former,[144] b) Samuel decides in his favor.[145] Nevertheless, Maimuni[146] gives the view of R. Judah as law. This causes

some embarrassment to Karo.[147] He therefore limits Maimuni's provision to the case where the convert was married previous to her conversion, and the law is thus set forth in the Shulhan Aruk.[148]

Maimuni adds that if a couple are converted together, they should not have intercourse for three months in order to distinguish between seed that was sown in holiness and that which was not.[149]

18. Charge of Prior Unchastity. A convert woman, whose conversion took place after her third birthday, is not liable to a charge by her husband that he did not find her a virgin at their marriage (above, sec. 16). If a woman and her daughter were converted together, and the daughter, while her status was that of *naarah* and after her betrothal, (so the Talmud understands the law in Deut. 22.13 ff.) was guilty of misconduct, she is punishable by strangulation, the usual penalty for adultery. In such case the execution does not take place at the door of her father's house (*ibid.*, v. 21); nor, if the husband's charges are proved false, need he pay the fine of one hundred *sela* to her father. If her birth, but not her begetting was in holiness, the special penalty of stoning is applied, since she is a Jewess from birth; but the "father's house door" and the fine for false accusation do not apply, since technically she has no paternity. Only if she was both begotten and born in holiness, do the provisions of Deuteronomy apply to her without exception.[150]

19. Violation of Virgin (DEUT. 22.28 FF.) Similar laws apply to the violation of a convert. If she became a Jewess before her third birthday, her attacker must pay a fine to the father; if her conversion was at a later date, he is excused.[151]

20. Filial Obligation. Still another application of the general principles we have been considering is found in the

discussion on the law of Lev. 20.9, which punishes with death one who curses his parents. R. Jose HaGelili argues that a convert is liable to the penalty for cursing his mother. But R. Akiba replies: " 'He cursed his mother and his father': (this means) he who may be liable for cursing his father is liable for cursing his mother; but one who is not liable for cursing his father is not liable for cursing his mother either."[152]

21. Sotah. (WEIL, P. 91.) On the question whether a converted woman suspected of infidelity by her husband is liable to the ordeal of the bitter waters, there is a controversy of dramatic significance. The drama is not in the conflict as such, but in its consequence—the excommunication of the famous Akabya b. Mahalalel. He insisted that this law did not apply to converts and freedwomen, while the sages were equally insistent that it did, and cited the instance of a certain freedwoman named Kurkemit (Karkemit) who was subjected to the ordeal by Shemayah and Abtalyon.[153] Akabya's answer, *dugma hishkuha*, may mean: they made her drink because of the similarity between her and themselves, i.e., because they were also proselytes; or it may mean: they only made a semblance of administering the ordeal.[154]

The Yerushalmi[155] narrowly limits the application of the Mishnah: "With what do we deal here? If with a convert who married a Jewess, it is already written (Num. 5.12) 'the children of Israel'—not converts. If with a Jew who has married a convert-woman, it is already written (*ibid.*, v. 15) 'the man shall bring his wife to the priest' (implying that the man and woman must be of the same status). But we must be dealing here with a convert who married a convert-woman. And what is the reason of R. Akabya? 'Children of Israel'—not converts. And what is the reason of the Rabbis? 'And thou shalt say unto them'—to include everything that is written in the section."[156] These limitations are not accepted by the later

authorities, who on the basis on m. Sot. 4.3 "and all other women either drink or forfeit their *ketubah*," include a convert-woman married to a Jew or the Jewish wife of a convert.[157]

Inheritance

22. The Right of the Convert to Inherit. (WEIL, P. 76.) The Mishnah states: "If a convert and idolater inherit (the estate of) their father, an idolater, (the convert) may say: Take thou the idols and I the money, thou wine and I fruits. But if this is after (the forbidden objects) have come into the possession of the convert, he is forbidden (to use or profit by them)."[158] The Tosefta adds: "If they inherit a bath-house, (the convert) may say: Take thou the Sabbath in thy portion, and I weekdays in my portion."[159] These privileges are not accorded to a Jew who inherits jointly with a convert.

This Mishnah is explained by Raba[160] as meaning that while an idolater inherits from his father by Biblical law (Raba finds a basis for this), the right of a convert to inherit from his heathen father is not Biblical but Rabbinic law. For the Mishnah provides that the convert may have no use of the tabooed objects once they have come into his possession; but if he had a Biblical right of inheritance, the estate would be legally in his possession immediately on his father's death, and he would be receiving the equivalent value of idols. Raba therefore deduces that by Biblical law the convert has no claim on his father's estate, but that the Rabbis gave him this right, lest he return to his evil nature—i.e., backslide, in order to obtain his inheritance.[161]

Another Mishnah, which Raba discusses in the context, is found in Sheb. 10.9: "One who borrows from a convert, whose sons were converted with him, need not repay the sons (if the father dies with the debt outstanding); but if he does repay, the spirit of the sages is pleased with him." Raba either had a different reading of the Mishnah

or else a dissenting baraita,[162] and according to his version, "if he repays, the spirit of the sages is not pleased with him." From this Raba argues that an idolater or convert has neither Biblical nor Rabbinic claim upon the estate of a convert. To this the Gemara objects by quoting the Mishnah as we have it, and the matter is settled by the assumption that the Mishnah refers to the case in which the sons of the lender were born in holiness, Raba to the case in which the sons were neither conceived nor born in holiness. This interpretation is accepted by the Shulhan Aruk.[163]

The Mishnah in Shebiit is supplemented in the Palestinian Gemara[164] by a remark of R. Lazar: "But only to his sons." This is elaborated by R. Jose as follows: One should not suppose that because the convert has no right to inherit according to Biblical law, repayment may be made to any child we please, regardless of sex. But just as in the case of Biblically valid inheritance, we should make restitution only to the sons; and if there are no sons, then and then only to the daughters.

These provisions are what they are stated to be, a concession to the convert. Wherever possible, the Rabbis avoided penalizing him for his conversion.

23. Heirs of the Convert. In virtue of the principle that a convert is like a newborn child, i.e., that he has no blood-relations, children born previous to his conversion are not regarded as his heirs. Even a son conceived previous to the conversion, but born in holiness does not qualify as an heir.[165] The only legal heirs of a convert are children conceived, born, and reared as Jews.

Now the law provides that if a man has no children and marries a woman who has already given birth, their first child is considered a first born for inheritance, i.e., to receive a double portion of the estate. But he is not "a first born for the priest," and need not be redeemed. This rule, says the Mishnah, applies even when the wom-

an's previous child was born while she was a heathen or slave and the second child is born after her conversion or manumission. R. Jose HaGelili held, however, that this child is a first born for the priest also; for it is said (Ex. 13.2) 'whatsoever openeth the womb among the children of Israel'—i.e., they must open the womb *in* Israel. Further, if a woman is converted (or manumitted) with her husband while in a pregnant condition, the child that is born is a first born for the priest, but not for purposes of inheritance.[166]

We must consider here two related controversies between R. Johanan and Resh Lakish. One concerns the case of a convert who had sons both before and after his conversion. Is the first of his Jewish sons to be regarded as a first-born for inheritance? Resh Lakish thinks so, because a convert is like a new-born child. But this R. Johanan will not admit—after all the proselyte has children already. This dispute is coordinated with one concerning the duty of "being fruitful." R. Johanan holds that a convert has discharged this command if he has children born before his conversion; Resh Lakish, equally consistent, demands that he fulfill this law after he becomes a Jew.[167] In accordance with the usual custom, R. Johanan's view prevailed in both cases.[168] A freedman has not fulfilled the command to be fruitful, no matter how many children he has had prior to his manumission. For a slave has no relationship whatsoever.[169]

24. Estate of Convert. Should a convert die without leaving children conceived and born in holiness, his estate is *hefker*, ownerless, and belongs to him who first takes possession of it.[170] There are a great many references in rabbinic literature to "acquiring the possessions of a convert who had no heirs," which suggest that such cases were fairly common. The Mishnah[171] states that if one, seeking title (*hazakah*) to the property of a convert, works on a door, fence, or opening in the smallest way, he has estab-

lished possession. This leads in the Gemara[172] to an extensive discussion of the methods by which different types of property may be acquired. This section really has nothing to do with our theme, being concerned with the great legal question of *hazakah*, and is of significance only because the estate of a convert is mentioned so often.[173]

If the property of a convert included a mortgage on some real estate, one who takes possession of the mortgage-deed does not thereby acquire any claim against the real estate; for, as we shall see, the obligation was cancelled by the creditor's death. There is even a discussion as to whether, under such circumstances, the person who took the deed with a mistaken view to acquiring the land, has acquired title to the paper itself![174]

A debt owing to a convert is regarded as the convert's property in someone else's hands. With the death of the convert, such property automatically falls in the possession of him who has it, and the debt is cancelled. Therefore, says Rabbah, if the pledge of a Jew is in the hands of a convert and this convert dies, a third party has no right to the pledge, and if he takes it, must surrender it to the original owner. On the other hand, if a Jew has a pledge from a convert, who dies, and a third party takes possession of it, the lender possesses title to as much of the article as will repay his loan, and the third party acquires the residue. This latter regulation applies, the Gemara explains, when the convert's pledge was not on the premises of the lender; but if it was in his court, the death of the borrower gives him title to the entire article.[175]

There are certain proper restrictions on the right to appropriate a convert's estate. "If a convert dies and Jews disperse his possessions, and they then hear that he has a son or that his wife is pregnant, they are obliged to return everything. If they have restored everything and afterward learn that the son is dead or that the widow has miscarried, one who takes possession of the property a second

time has a valid claim to it; but if only the first time, he has no title."[176] If property appropriated after the death of the proselyte is found to be consecrated (*Hekdesh*) it must be restored.[177] The later authorities also make clear that the debts of the convert when properly secured, may be collected from those who have taken possession of his property.[178]

The opportunity to seize the estate of a deceased convert seems to have been regarded as a fortunate windfall. We find the query: "If one takes possession of a convert's estate, what should he do in order that it may remain in his possession? Let him buy a Sefer Torah with it."[179] In the context the same procedure is recommended if one becomes rich through marriage, business, or other lucky chance.

According to Weil (p. 77), this whole law is of Roman origin. Roman law disinherits children of a freedman who were born prior to his enfranchisement. Weil also mentions a French law, in force till 1789, whereby a foreigner in France could neither inherit nor have heirs, the property in either case going to the Crown (*droit d'aubaine*). Weil is at pains to demonstrate the foreign source of the law because he regards it as unjust and hence, essentially unjewish. Without expressing an absolute opinion, I should regard it as hazardous to call this an importation from Roman law merely on the basis of the analogy given above. The rule is the logical consequence of the principle that the convert has no blood relations. It does indeed seem to work a hardship on children converted with him or, as in the case of Mari bar Rachel (Ch. XI, sec. 41), born shortly after his conversion. There was, however, no legal device such as adoption, whereby these children could acquire the same status as children conceived and born in holiness. The problem was no doubt solved in a practical way by making provision for these older children in the father's lifetime, as was in fact done in the case of Mari bar Rachel. Perhaps the rule is not so un-

friendly to converts nor so unjewish as Weil seems to think.

Other Civil Matters

25. *Injury to Pregnant Woman.* (WEIL, p. 83.) The Bible provides (Ex. 21.22) that if, in the course of a fight between two men, a pregnant woman should be accidentally struck and have a miscarriage as a result, the person causing the injury must pay damages to the husband of the woman. The Mishnah, expounding this law, adds: "If she has no husband (i.e., if he is dead), he must pay the heirs. If she was a freed slave or a convert, he is free." [180] This rather sweeping provision is much limited by Rabbah in the Babli:[181] "They taught this only when he injured her in the lifetime of the convert (her husband) and (then) the convert died. For when he injured her in the lifetime of the convert, the latter acquired the right (to the compensation) and when the convert died, (the injurer) acquired the right to it from the convert. But if he injured her after the death of the convert, she acquires the right (to the compensation) and he is obliged to pay her."

The point involved, according to Rabbah, is simply the principle, already discussed (sec. 25) that unless a convert has children born after his conversion, he has no heirs, and his estate belongs to whoever takes possession of it. The debt owed him by the injurer is like money of the convert in the injurer's possession, to which the latter acquires title on the death of the convert.

This view is challenged by R. Hisda: "The author of this tradition regarded foeti as if they were money-bags to which she could acquire title. But (I say), when the husband is alive, Scripture gives him title; if there is no husband, (there is) no (claim.)"

The Gemara cites two beraitot in endeavoring to decide between the Amoraim. One, which seems to support R. Hisda's contention is explained in the same manner as the Mishnah: that it contemplates the case in which the

convert dies after the miscarriage occurred.[182] The other baraita actually has two versions, one stating that the liability continues, the other that it ceases, after the death of the convert.

The halakah is according to Rabbah: the injurer is excused from payment only if the husband died subsequent to the accident.[183] Maimuni adds that if the woman was converted subsequent to conception, but before the accident, she receives the compensation. This of course is in consonance with the rule that the child of a non-Jew has no legal paternity.

The law on this subject has been adduced by Bertholet (p. 343) as proof of the inferior status of the convert in Jewish law. This error has been corrected by Bialoblocki (p. 29) who explains that the law of inheritance alone is involved. This is correct; but it should be added that R. Hisda's view, though not accepted, is discriminatory. One might likewise argue that the plain sense of the Mishnah (as well as of the first baraita cited above) accords better with R. Hisda's view than with Rabbah's. But this is not certain; and in any case the halakah as finally fixed is entirely free from any discrimination.

26. Testimony. From the general principle that the convert has no blood-relationship, a number of far-reaching conclusions are drawn. One appears in the discussion between Raba and R. Nahman, of which we cited part above, (n. 114). "Said R. Nahman: Since we are discussing converts, I will tell you something (else) about them. Brothers on the mother's side should not testify (together —in accordance with the rule that two relatives cannot constitute the two witnesses needed for establishing evidence); but if they have testified, their testimony is valid. Brothers on the father's side may testify (together) deliberately.—Amemar said: Brothers even from the mother may testify deliberately.—And how does this differ from the matter of incest (concerning which we made more

restrictions)? (Obedience to the laws about) incest is entrusted to all (hence we do not mislead the public into supposing that they are permitted liberties which we might otherwise give to converts); but (administration of the laws of) testimony is entrusted to the courts (who will not make such errors), and a convert is like a newborn child."[184]

There is also a baraita concerning the fitness of a convert to testify about matters which occurred prior to his conversion. When a court is investigating the alleged priestly status of an individual, the baraita says, "If the witness had been a Gentile and converted or a slave who was afterwards freed, he is unfit. . . . But R. Johanan b. Beroka says he is to be believed."[185] The Babli contains this tradition in somewhat different form, and adds: "About what do they differ? The former teacher supposes that since he was an idolater he was not meticulous (in his observations), while R. Johanan b. Beroka supposes that he was thinking of conversion, and so would be very meticulous."[186] The law is according to the anonymous opinion.[187]

27. *Office-holding.* There is a general tendency to exclude converts from public office. A Biblical basis is found in the words (Deut. 17.15) "One from among thy brethren shalt thou set king over thee." In BK 88a this is specifically stated to mean that a convert cannot become king. The halakic midrash to the verse remarks: "Hence they said: We do not appoint one as officer (*parnas*) over the congregation unless his mother was of Israel."[187]

M. Sanh. 4.1 reads "All are fit to judge civil cases, but none are fit to judge capital cases save priests, Levites and Israelites who are fit to marry into the priesthood." The Gemara (*ibid.*, 36b) explains that the expression "all" is to include converts. But elsewhere we have a statement of Raba: "A convert may judge his fellow (convert) in a matter of Torah, for (according to Deut. 17.15) to judge

'over thee' we require one 'from the midst of thy brothers,' but a convert may judge his fellow. But if his mother be of Israel, he may judge even an Israelite. But to act as judge in a *halizah* case, both his father and his mother must be of Israel, in accordance with Deut. 25.10."[188] Rashi explains that "a matter of Torah" here means a capital case, since the Talmud in Sanhedrin authorizes a convert to judge in civil cases. This is challenged by Tosafot *ibid.*, s.v. *ger*; and indeed the phrase *devar Torah* does not seem to suggest a capital case. Maimuni decides that a proselyte may judge in civil cases only if his mother was of Israel; otherwise he may judge only a fellow convert.[189]

This latter point—concerning a court for *halizah*—is made also in Sifre to the verse "And his name shall be called *in Israel*," etc. The Midrash remarks that just as the expression "in Israel" (*ibid.*, v. 6) excludes converts from the laws of *yibbum* and *halizah* (above nn. 115 ff.) so here, it excludes them from sitting in a *halizah* court.[190] This baraita was once quoted by R. Samuel b. Judah, a convert, in refusing an invitation of R. Judah to act as judge in such a ceremony.[191]

Beyond question we find here a certain prejudice against converts; and this is reflected to a greater extent in certain reports (Ch. XIII, nn. 109 ff.) that converts were excluded from public office in some localities, even where there was no legal impediment. It should be added that an unwillingness to put converts in public office does not demonstrate an active hostility against them. In the United States, a naturalized citizen cannot be President or Vice-President.

28. Slaves of a Convert. We shall have to discuss later the question of the conversion of slaves (Ch. VI). In this section we shall consider only the special rules that apply to slaves *belonging* to a convert.

According to Jewish law, a newly bought slave must

be subjected to a ritual bath, the purpose of which is to fix on him the status of slave. If, before he is baptized as a slave, one purchased from a heathen bathes himself for the purpose of becoming a free man, his action is effective, according to Rab. For this reason the Babylonian Amoraim give explicit directions for the careful restraint of such a slave, so that he may not say: "I bathe to become a free man" until his baptism as a slave is complete.[192] This general principle apparently is the basis for a provision that the slaves of a convert may obtain their freedom by bathing in his presence for that purpose. The notion seems to be that the slave of a convert is, at the moment of his master's conversion, like a slave purchased from a Gentile, i.e., from the convert's former self. This law appears in the story of Beluria, some of whose slaves bathed before her, and were declared by the sages to have acquired their freedom.[193]

On the subject of the "Hebrew slave" (Ex. 21.2 ff.) there is a difference of opinion, interesting from the standpoint of literary history, even though the "Hebrew slave" seems to have been a purely theoretical institution in our period. In the Mekilta to this passage (Nezikin 1), R. Ishmael proves by exegesis and R. Eliezer by logical argument that a convert may be sold as a "Hebrew slave." In the Talmud[194] we have a baraita stating that he may not be sold as a Hebrew slave and may not acquire a Hebrew slave. The Gemara explains that he cannot be sold as a Hebrew slave, because a convert could never fulfill the command (Lev. 25.41) "and he shall return unto his own family," and cites further a tradition that only one who is capable of being sold as a Hebrew slave can buy one. The view that the convert cannot be sold is unchallenged in the Babli; but the opinion that he cannot own a Hebrew slave is found to contradict a somewhat obscure baraita of Rabbi.[195] R. Nahman b. Isaac gives his opinion that a convert may acquire a Hebrew slave, but in such case, the law is the same as

when a heathen acquires him, namely that if the owner dies, the slave need not serve out his time with the heirs. This view seems to be accepted by Maimuni.[196]

The conflict between the anonymous baraita in the Babli and that found in the Mekilta has not escaped the notice of the Rabbinic scholars, and they attempt to harmonize.[197] Apparently the Babylonian authorities did not know the Mekilta in its present form.

Finally, slaves are subject to the same rules of *hazakah* as the other property of a convert who dies without heirs. This leads to the following consequences: "If a convert dies and an Israelite scatters his property, including slaves—whether adult or minor, the latter acquire their freedom. Abba Saul says: Adults acquire their freedom, but whoever establishes a *hazakah* to the minors, acquires them."[198] The reason for these regulations is plain: and Abba Saul's distinction is due merely to the fact that a minor is not competent to "acquire himself," as R. Ba states in the context of the Yerushalmi. The baraita is introduced in Kiddushin in connection with a report concerning R. Judah the Hindu, a convert who had no heirs, and to whose slave Mar Zutra established a *hazakah* while the convert lay dying;[199] but the exact significance of Mar Zutra's actions is disputed both in the Talmud and its commentaries.

R. Joshua b. Levi pronounced the halakah to be according to Abba Saul.[200] According to R. Hiyya b. Abba, R. Johanan held the opposite view.[201] The former prevailed.[202]

29. Effect of Conversion on Loans. Biblical law forbids interest on loans between Jew and Jew, but permits them between Jew and Gentile, regardless of which is creditor and which debtor. The question arises, if the Gentile party to such a loan converts, what is the status of the loan?

In any case, the interest is uncollectible unless it has

been specifically included in the loan itself (*zekafan 'alav bemilvah*) by the writing of a note in which the total of principal and interest is stated to be due. This requirement appears in all discussions of the subject. If this requirement has been met, there is a difference of opinion as to the status of the loan. This is reported in a baraita, of which we have no less than four divergent forms.[203] Despite the uncertainty of the texts, we can establish with reasonable assurance the nature of the controversy.

R. Meir held that once a Gentile is converted to our religion, we cannot even consider his paying or receiving interest. The previous inclusion of the interest in the face of the note makes no difference.[204]

The anonymous view given in the Babli is purely legal in approach. As soon as the interest is included in the face of the note, it is regarded as collected. If this interest payment was made before the conversion, it is permissible, otherwise not.[205]

R. Jose probably held the same opinion in the case of a Jew who borrows from a Gentile.[206] But in case a Gentile borrows from a Jew and is later converted, he must pay the interest, even though it was not included in the loan until after his conversion.[207] "Said Raba: What is R. Jose's reason? So that people may not say: This one converted in order to save money."[208]

Finally, Bar Kappara went to the other extreme and wished to permit a convert who is a creditor to collect the principal and interest of loans made before his conversion. "Said R. Jacob b. Aha: Bar Kappara's reason is, that if you make him forego the interest, he may become a false convert," i.e. apostasize.[209]

The view of R. Jose is declared to be halakah by Raba n. R. Hisda n. R. Huna.[210] That is, when a Jew borrows from a convert, the interest is collectible if included in the loan prior to the conversion; when the convert is in debt to a Jew, he must pay the interest in any case, so

long as it has been included in the note. This decision is of course accepted by the codes.[211]

It should be noted that while we have (probably) four different views, none of them is in the least unfriendly to converts. As Weil (p. 86-7) has pointed out, the apparent harshness of R. Jose's ruling has behind it a good motive. But whereas Weil supposes that this motive was to prevent insincere conversions, the Gemara specifically states that it was to protect converts against the *imputation* of insincerity. Bar Kappara's opinion is equally favorable to converts, but his psychology is different; he feels it better to be indulgent, whereas R. Jose regards severity as the truer kindness. R. Meir and the sages approach the subject without reference to its effect on the mind of the convert, the one from the purely ethical, the others from the strictly legal standpoint.

30. Restitution for Theft. (WEIL PP. 87-89.) The Biblical law provides (Lev. 5.20 ff.) that when one defrauds another in regard to a deposit, pledge, etc., and swears falsely in the matter, he can become reconciled to God only by making full restitution to the victim plus twenty per cent of the amount taken by fraud, and then bringing a guilt offering. This law is repeated substantially in Num. 5.5 ff. The Rabbis assume, of course, that this repetition cannot be without significance, and this they find in the provision that if the original victim is dead, and he has no heir, the restitution must be made to the priest, in addition to the guilt offering (*ibid.*, v. 8). Now there can be no such thing as a born Jew without heirs, for we are all related ultimately through the patriarchs, and if diligent search is made, some relative will be found! The Rabbis therefore decide that this passage refers to the case of a convert who has been defrauded and who dies without heirs.

The sources contain extensive material on the subject, much of it Tannaitic. There are numerous variants in

the different versions. We shall present this material in condensed form; the details (in particular textual variants) are of no significance for our central theme.[212]

As a general rule, when a law is given in the Torah, and then repeated with the addition of one point omitted in the first version, the repetition is for the sake of this one added point.[213] Is there really any man in Israel who has no relatives? Scripture must be speaking here of one who has defrauded a convert.[214] These laws apply if the defrauder was a man, woman or of doubtful sex, likewise if the defrauder was himself a convert.[215]

If one defrauds a convert and takes an oath in the matter, and the convert dies, the guilty person must repay the principal plus twenty per cent to the priests, and a guilt-offering to the altar.[215a] One might argue that if the defrauder were a priest, he acquired a legal right to his plunder by the death of the convert, and therefore need make no restitution; but closer examination proves this fallacious. In such case the priest must make restitution to the fellow members of his watch (*mishmar*).[216]

Suppose the defrauder, under the impression that his victim was dead, was taking the money and guilt-offering up to Jerusalem, and on the way met the convert, who agreed to regard the money owing him as a loan. The debtor then becomes free of all obligations should the convert subsequently die—thus R. Jose HaGelili. R. Akiba held, however, that in no case could the defrauder be cleared of guilt until the money had actually left his possession.[217] A different version of the baraita states that according to R. Jose HaGelili the guilt-offering must be sacrificed, even should the convert die before this takes place. In this version, Jose is opposed by the sages, who state that it is at least necessary for the defrauder to hand the money to the convert, who can then hand it back to him as a loan.[218]

"Said Raba: With what are we concerned here? In case he defrauded the convert and took an oath in the

matter, and the convert died, and he confessed after the convert's death, for in the moment that he confessed, the Name acquired (the money) and gave it to the priests."[219]

If the defrauder was bringing the money and sacrifice up to Jerusalem and died before accomplishing his purpose, the money is given to his heirs; and the animal is allowed to graze until it becomes blemished, so that it may be sold and its value applied to a free-will offering.[220]

After his return from Ziphrin, Akiba added that once the money was given to the priests of the watch, they cannot be made to surrender it even though the defrauder dies before the guilt-offering is sacrificed. (Once he dies he needs no further atonement, so that the heirs who are not themselves liable, might be thought to have a right to recover the money from the priests. The argument to the contrary is exegetical.)[221]

From the fact that the word "man" occurs in the Biblical law, a Tannaitic authority concludes that if the defrauded convert was a grown man, we must make diligent search to ascertain whether or not he has any relatives—i.e., whether a child has been born to him since his conversion. But if the victim was a minor, we assume that he had no heir.[222]

Legally, these provisions are the natural and inevitable outgrowth of the theory that a convert has no relatives except children born after conversion. But the emphasis laid on the subject indicates that the Rabbis took great pains to remind their followers that defrauding a convert was at least as serious a crime as defrauding anyone else. The need of explaining a seemingly superfluous Biblical passage undoubtedly had something to do with it; but this was not the only thing involved. The Rabbis were concerned to protect the convert against exploitation. This they did by invoking the law against the defrauder even after the death of a childless convert, and likewise by their outspoken homiletic protest.[223]

31. Homicide. Bertholet (p. 343) incorrectly states that one who accidentally kills a convert is not exiled to a "city of refuge." This has been corrected by Bialoblocki (p. 30): the law to which Bertholet refers concerns only the *ger toshab*. This is explicitly stated in the Mishnah, and the Gemara finds in this a proof that the *ger toshab* is to be regarded as a Gentile.[224]

32. "*Condemned City.*" The legislation in the Bible providing for the wholesale destruction of the inhabitants of a city which has embraced idolatry *en masse* is purely theoretical. The "*ir haniddahat* never has existed and never will."[225] But there are a few references to converts in this connection. Thus we find a statement that a city where converts or freedmen have entered is not subject to this law, which affects only "inhabitants of the city."[226] In the Palestinian Gemara the question is asked (but not answered) whether converts or *toshabim* are to be included in our reckoning to decide if a majority of the town has apostatized.[227]

NOTES TO CHAPTER V

[1] Yeb. 47b; Weil, p. 93.

[2] t. Demai 2.4, defective; Bek. 30b, where the Gem. points out: his betrothal is effective.

[3] See Ch. II, n. 6; Ch. VII, sec. 2.

[4] Mek. Bah. 7 and Kaspa 3 to these vv., cited Yeb. 48b. So also Mishnat R. Eliezer, p. 374, which adds that the *ger toshab* may work on Sabbaths or holidays without interference. But MRŠ, pp. 109 and 157, to the same vv., refers them both to resident aliens, and finds the obligation of the convert in the general statement, Num. 15.16.

[5] Sifra Kedoshim perek 3 on 19.10, on charity, interprets *ger ben b'rit*: here as also in Sif. D. 110 and Mid Tannaim, p. 79 on 14.29, it is stated that the convert is entitled to charity only if in actual need. Sifra Behar parashah 5 to 25.35 and parashah 8 to 25.47 find both convert and resident alien indicated in these vv., dealing with philanthropy; so also Sif. D. 278 and Mid. Tannaim, p. 159 on 24.14, and Sif. N. 160 on 35.15, referring to the cities of refuge. Deut.

14.21, prescribing that improperly killed meat must be given to the stranger, is assumed to refer to unconverted aliens: Sif. D. 104 and Mid. Tannaim, p. 75 ad v., Pes. 21b; AZ 20a; Hul. 114b. Sif. N. 160, SER (29) 27.147 state that enemies and relatives are barred from judging or testifying in the case of converts as in all other cases.

[6] Mek. Pisha 10 to 12.19. MRS, *ibid.*, p. 19, is very brief and does not generalize.

[7] Sif. N. 39 on 6.23. Briefer, *ibid.*, 109 on 15.15; 111 on 15.26; 124, end, on 19.10.

[8] Sifra: Nedabah parashah 2 on 1.2 (slight variants, SER (6)7.34; Lev. R. 2.9); Hobah parashah 1 on 4.2; Zav parashah 10 on 7.23; *ibid.*, parashah 11 on 7.29 (Men. 61b); Tazria parashah 1 on 12.2 (Yeb. 74b bot; Ker. 7b); Zabin parashah 1 on 15.2 and parashah 5 on 15.25; Ahare parashah 6 on 17.2; Emor parashah 11 on 23.24 and perek 17 on 23.42 (Suk. 28b, cp. Sif. N. 112 on 15.29); Behukotai parashah 3 on 27.2.

Sifre to Numbers: 39 on 6.23 (Sotah 38a); 109 on 15.15.

Sifre Zutta: on 5.6; 6.2; 15.2; 15.18; 15.35; 19.2; 28.2.

Sifre to Deuteronomy: 149 on 17.5; so also Mid. Tannaim, *ibid.*, p. 101.

Cp. Sotah 26a on Num. 5.12; t. Ber. 5.15.

In the following Sifra passages, where the Bible mentions "strangers," an additional word is used to prove that the wives of converts are included in the injunction: Ahare perek 7 on 16.29; *ibid.*, parashah 8 on 17.10; *ibid.*, perakim 10, 11, 13 on 17.8, 17.13, 18.26; Kedoshim perek 8 on 20.2; Emor parashah 7 on 22.18; perek 19 on 24.16.

[9] Mek. Pisha 10 end on 12.49. Similarly, Sif. N. 71 and 109, which prove the same thing from Num. 9.14 and 15.16. Sif. N. 112 is questionable; Friedmann and Horovitz prefer the reading *goyim* instead of *gerim.*

[10] See n. 45 and Ch. IX, n. 52.

[11] Yeb. 22a, 62a, 97b; Bek. 47a.

[12] Yeb. 48b; p. Bik. 3.3.65d top. In Gerim 2.6, R. Jose holds the opposite view and R. Judah says "He is as if born today." Mid. Samuel ch. 17 on I S. 13.1 states "a proselyte receives pardon for all his (prior) sins." Cp. Gen. R. 39.11, in which R. Berekiah states that Abraham became a new creature through circumcision (Lévi, p. 16); and Cant. R. 8.2, that Israel at Sinai were like new-born children.

[13] Sanh., *ibid.*; p. Kid. 1.1.58c, where the question appears in connection with the problem: Should a heathen who violates a betrothed Jewess be judged according to Jewish or Noahide law? If the latter, he would be immune from punishment if subsequently converted. See Weil, p. 74 f.

[14] The Tosafot to this passage (s.v. *Ben Noah*) find the section to be at variance with the opinions in Yeb. 48b, and conclude that the latter passage concerns heavenly justice, while the statements in Sanhedrin concern human legal procedure. Accepted, Maim. Melakim, 10.4. This is right in a general way; the section in Yeb. is clearly theoretical and aggadic: but the passage in Sanh., though formally legal, is actually also theoretical. Capital punishment was not inflicted by Rabbinic courts during the Roman period, and the Noahide laws are to a large extent an artificial construction.

[15] m. Hor. 3.8; but a scholar takes precedence regardless of birth. A fuller table of precedence, Maim. Matnot Aniim, 8.17.

[16] b., *ibid.*, 13a bot.; on the Nathin, see below, sec. 12, near end.

[17] In p. Hor. 3.7.48b, R. Abun states that an apostate Jew takes precedence over a convert, "because of an incident that occurred." Though this appears to envision the same problem as the Mishnah, the commentators take it differently; if an apostate seeking reinstatement and a new convert come to us at the same time, we should receive the penitent sinner first. The "incident that occurred" is that of Jesus and Joshua b. Perahyah, Sanh. 107b in uncensored editions. This explanation is probably correct.

[18] *Unbekannte jüdische Sekte*, p. 124 f.

[19] See below, n. 83. For Ginzberg's general thesis, see Ch. XIII, n. 9.

[20] Sif. N. 78 on 10.29. Cp. Ch. X, n. 73. But an aggadic passage of uncertain origin deduces from Ez. 47.23 that converts do have a share in the land. Mishnat R. Eliezer, p. 203. Still more pilpulistic is the attempt in Sab. 68ab to explain the Mishnah (*ibid.*, 7.1) as referring to a child kidnapped by Gentiles or to a convert who has been converted among Gentiles. Interestingly, Monobaz takes part in this discussion. See Ch. XI, n. 29. According to one reading of the Mekilta, Kaspa 4 on 23.14 (Lauterbach, Vol. III, p. 182) converts are exempt from appearing at the sanctuary three times yearly and from hearing the Torah read every seventh year. (Deut. 31.11.) This reading is almost certainly erroneous. There are no parallels. Cp. p. Hag. 1.1.76a, implying that converts have this obligation.

[21] Schuerer, Second Section, Vol. II, p. 326, "A proselyte was never allowed to call the fathers of Israel 'his' fathers."

[22] *Ibid.*, 64a.

[23] Bikkurim 4.3.

[24] See the commentary Mishneh LaMelek *ad loc.* and the later works cited in the margin of the Vilna ed. of the Yerushalmi.

[25] Mak. 19a. So also Mek. Kaspa 5 to 23.9; Sif. D. 299 to 26.3. (In Mid. Tannaim, *ibid.*, p. 172, R. Judah's view appears, but this is merely a citation from Maimuni, who is frequently quoted in the Midrash HaGadol. Likewise the comment on v. 11, *ibid.*, p. 174,

is quite probably not of Tannaitic origin.) T. Bik. 1.2 represents R. Judah as holding the view of the anonymous Mishnah; this text is almost certainly corrupt; Lévi, p. 17, n. 1.

[26] Cp. n. 20.

[27] m. Maaser Sheni 5.14; Sif. D. 303 and Mid. Tannaim, p. 177 on 26.15; Maim. Masser Sheni end.

[28] On the liberal attitude of Judah toward converts, cp. Ch. IV, nn. 65 ff., Ch. V, nn. 84 ff. Bialoblocki sees in the present dispute an indication of the cleavage between national and religious life, which had been one before the fall of the Temple. A convert might be far from the spirit of the nation, as illustrated by Judah b. Gerim. The scholars recognized this cleavage, R. Judah refused to do so. But one could argue just as well that the misfortunes that followed the year 70 would heighten rather than disintegrate national feeling.

[29] This is recognized even by Derwacter, p. 111, though he does not know of R. Judah's viewpoint.

[30] m. Maaser Sheni 5.14. Regarding the insistence of the Rabbis on formal correctness in prayer, cp. m. Ber. 9.3.

[31] See sec. 2.

[32] "Die jüdischen Proselyten," p. 10, n. 2.

[33] *Der Jüdische Gottesdienst*, 2nd ed., p. 38. See for the variant forms of the prayer, *ibid.*, p. 52.

[34] Mek. Pisha 15, Sif. N. 71 to these vv.

[35] Mek. and Sif. N., *loc. cit.*, R. Simeon b. Elazar; t. Pes. 8.4, b., *ibid.*, 93a, R. Nathan.

[36] t. and b. Pes., *ibid.*

[36a] m. Pes. 8.8; cited Tan. B. & N. Lek. 6.

[37] t., *ibid.*, 7.13, b., *ibid.*, 92a; the variants are important, but do not concern our theme.

[38] p., *ibid.*, 8.8.36b.

[39] Vol. I, p. 104 ff., see above, Ch. IV, n. 54.

[40] "The Levitical Impurity of the Gentile in Palestine before the Year 70," *JQR*, n.s., Vol. XVII, pp. 1 ff. Our controversy is discussed on pp. 16 ff.

[41] See below, Ch. XIII, n. 13.

[42] For an interesting case of this sort, see below, Ch. XI, sec. 7.

[43] Pes. 91b, n. R. Johanan, p., *ibid.*, 8.7.36a bot., n. R. Issi (Tos. ad Babli s.v. *shema* R. Jose).

[44] See Ratner, *Ahavat Zion Vi-Yerushalaim*, Pesahim, p. 109 f. and Liebermann, *HaYerushalmi Kifeshuto*, Vol. I, p. 505. The reading of our Babli text seems more probably correct, since it is supported by Maimuni (Korban Pesah 2.4) and Tosafot, *ad loc.*, and by the absence of variants in the texts used by Rabbinovicz.

[45] Tosafot remarks that the usual view is that converts are

slipshod in performing the commandments; but cites the following: "Whatever commandments converts and Kutim (Samaritans) accept, they fulfill more conscientiously than Israel." A marginal note points out that no such statement is found in our sources; as we have it, only the Samaritans are mentioned: Ber. 47b; Kid. 76a; Git. 10a; Hul. 4a. In fact the passage would not properly apply to converts, who would be expected to obey all the commandments. I think either the text, or more likely the memory, of the Tosafist was here in error.

[46] m. Shek. 7.6; Men. 51b.

[47] See below, sec. 24.

[48] m. Hal. 3.6; cited Men. 67a, and see below. On R. Akiba's opinion in this m. as to the time when the dough becomes liable for the offering, cp. t. Hal. 2.12, p., *ibid.*, 3.5.59b.

[49] m. Hul. 10.4; cited Sif. D. 165 to 18.3, and see below.

[50] Cp. Gerim 1.11, which mentions items from both classes as well as the harvest laws to be discussed below, and rules that in any case of doubt, the convert is free from obligation!

[51] Maim. Bikkurim 8.9.

[52] See m. Peah 4.11; p., *ibid.*, 4.8.18c (and see Luncz's nn.); Hul. 134a, and Yefeh Enaim, *ad loc.* In m. Peah 4.6, R. Judah makes a distinction between *peah* and *leket*, which are due when the field is cut, and *shikhah* which is due only when the sheaves are being carried home. A convert might thus be liable for the latter but not the former. The Yerushalmi (*ibid.*, 4.4.18b) rejects this distinction on exegetical grounds.

[53] Maim. Matnot Aniim, 4.9.

[54] m. Kid. 1.1.

[55] t. Nid. 1.3, only the present dispute. Ket. 37a, both controversies. p. Nid. 1.4.49b, both controversies and Rabbi's opinion. In p. Yeb. 4.11.6a, the version is similar, but the opinions of the scholars are reversed—no doubt a corruption. The subsequent discussion in the Yerushalmi passages occasions much difficulty to the commentators. On the three months period before the marriage of a female convert, see sec. 17.

[56] See also Ch. III, n. 21 ff.

[57] bar. Bek. 46b.

[58] Cp. n. 50.

[59] p. Erubin 9.4.25d. The version of the baraita in t. Taharot 9.7 seems corrupt. In Gerim 1.9, nothing is said regarding the preparation of the wine, the convert being permitted and all others forbidden to use it; and R. Akiba objects to the distinction, arguing that if others are forbidden to touch the wine, this applies all the more to the convert.

[60] Git. 45b; Maim. Tefillin 1.13; Yoreh Deah 281.2.

[61] t. Ned. 2.4.

[62] Yoreh Deah 217.40 ff.; Maim. Nedarim 9.21; cp. above, sec. 2.

[63] Issure Biah 12.17. Cp. Ch. III, sec. 3.

[64] Yeb. 8.3.

[65] Sif. D. 249 on 23.4, R. Judah; Mid. Tannaim, *ibid.*, p. 145, R. Akiba. This interpretation is cited frequently in the sources: Halakic, Yeb. 69a, 88b; Kid. 67b, 75a; Hul. 62b (where it is a mnemonic for a dietary law); p. Yeb. 8.3.9c. Aggadic: Yeb. 76a, 77a; Ket. 7b; p. Yeb., *ibid.*, Mid. Sam. 22 beginning, and see also Ch. X, sec. 9, 10.

[66] Sif. D., *ibid.*, R. Simeon; Mid. Tan., *ibid.*, R. Akiba. In p. Yeb., *loc. cit.*, it is argued that the Ammonite, etc., women might have at least met the Israelite women; and this objection is met by citing further "and because they hired against thee Balaam son of Beor—" and the hiring must have been done on the responsibility of the men alone. In Yeb. 76b-77a these objections are put in the mouth of Doeg, who was seeking to exclude David from the congregation; and the objection is finally overcome by Yitra, who quotes in the name of Samuel, "Ammonite and not Ammonitess," etc.

[67] p. Yeb., *loc. cit.*

[68] Bertinoro, *ad loc.* The controversy also Sif. D. 253 or 23.9, Mid. Tannaim 146 on 238 and see the Talmudic discussions, Yeb. 77b, and p. Yeb., *loc. cit.*

[69] b. 76b-78b, p., *loc. cit.*

[70] m. Yad. 4.4; t., *ibid.*, 2.17, Ber. 28a, variants.

[71] t., *ibid.*, hal. 18.

[72] t. Kid. 5.5. Weil, p. 67, mentions only this version.

[73] So Yeb. 76b, 78a; Sotah 9a; Sif. D. 253 on 23.9, Mid. Tannaim, *ibid.*, p. 147. In the Babli passages Minyamin states that he will marry his son to an Egyptian convert of the second generation; in Yeb. 78a it is reported that R. Johanan wished to amend the baraita to read "I will marry my son to a first generation Egyptian woman." This is in accord with Johanan's view (*ibid.*), that the son of a second generation Egyptian and a first generation Egyptian woman is a third generation Egyptian, i.e., fit to intermarry. This is actually stated in the other sources.

[74] p. Yeb. 8.2.9b; Kid. 4.3.66a.

[75] Issure Biah 12.25. The contradiction is noted by Karo, *ad loc.*

[76] Yeb. 77ab, p. Yeb., *loc cit.* See nn. 100 ff.

[77] Maim. Issure Biah 19.13.

[78] Yeb. 78a, 84b.

[79] *Ibid.*, 77b-78a.

[80] *Ibid.*, 78b. In the Yerushalmi, *loc. cit.*, Johanan quotes a baraita to similar effect. See Maim. Issure Biah 12.20, 21 and Karo, *ad loc.*

[81] p. Kid. 4.1.65c; Yeb. 79ab.

[82] Ch. X, sec. 10. In Kid. 70b, R. Judah says the people of Gobaya are Gibeonites and the town of Durnanita is a town of Nethinim. These are puns, Durnanita being associated with *doron*, gift, and so equivalent to Nethinim. By these puns R. Judah meant that the inhabitants of these places were of uncertain descent. They were not really Gibeonites or Nethinim.

[83] m. Kid. 4.1; cited Yeb. 85a. In Yeb. 37a (more briefly Kid. 75a) a similar list is cited by Samuel in the name of Hillel, with the statement that these classes may all intermarry with one another. But both the context and the commentaries imply that this passage is not in contradiction with our Mishnah, but means "all those classes who may not enter the congregation are permitted to intermarry with each other." This must be correct: not even Hillel would have suggested that priests intermarry with those of questionable origin!

[84] t. Kid. 5.1 (which also contains a view ascribed to R. Meir and certainly corrupt, forbidding converts and freedmen to enter the congregation); Sif. D. 247 on 23.2 (cp. Mid. Tannaim, *ibid.*, p. 144); p. Yeb. 8.2.9b; *ibid.*, Kid. 4.1.65d; in a casuistic discussion to prove that a castrated person may enter into levirate marriage if his brother's widow were a convert, Yeb. 79b. See next n. and n. 110.

[85] bar. Kid. 72b-73a and discussion there; t. Kid. 5.2 (where R. Judah's view is given correctly in the prints; the MSS have "a convert may not marry a convert woman" which cannot be right); and see next n.

[86] t. Kid., *ibid.*, R. Jose; b., *ibid.*, 66b-67a, and p., *ibid.*, 3.14.64c.

[87] Kid. 72a; see Ch. XI, sec. 42.

[88] p., *loc. cit.* See Ch. XI, sec. 20.

[89] Gilyon Ephraim, *ad loc.* Yefeh Enaim ad b. Kid. 67a.

[90] Bacher, *APA*, Vol. III, p. 238, assumes that the authorities mentioned here are R. Jose and R. Judan, the late Palestinian Amoraim. This view, which has some support in the fact that the story is told in Aramaic, would eliminate the difficulty. But it is hard to suppose that a legal point debated by two Tannaim in the second century should have slumbered for five generations, and then been raised by two teachers of the exact same names!

[91] bar. Kid. 75a, bot.

[92] Issure Biah 15.8.

[93] Kid. 72b-73a; Yeb. 84b; p. Kid. 3.14.64c.

[94] p. Kid., *ibid.*

[95] m. Yeb. 6.5; Yeb. 61b; p. Kid. 4.1.65b; Sifra Emor perek 1 on 21.7. Josephus interprets *zonah* as innkeeper, evidently connecting the word with *mazon*, food: Ant. III, 12.6. So in the case of Rahab:

cp. Ch. X, n. 101. There is also a saying: "Let not a priestess be like an innkeeper": Yeb. 14.10, 16.7; Esther R. 1.9. These references I derive from Mann in *JQR*, n.s., Vol. XII, p. 470. Cp. n. 99.

[96] Kid. 78a (brief mention, *ibid.*, 74b); Yeb. 60b; Sif. N. 157 on 31.18; p. Bik. 1.5.64a; p. Kid. 4.6.66b (cp., *ibid.*, 4.1.65b).

[97] p. Bik., *ibid.*; p. Yeb. 8.2.9b bot; p. Kid. 4.6.66b; b. Yeb. 60b. See Ch. XI, sec. 24.

[98] b. Yeb., *ibid.*

[99] Maim. Issure Biah 18.3; Eben HaEzer 6.8. Bialoblocki has pointed out (p. 24) that *zonah* is used technically for foreigner in Ju. 11.1 (which may or may not be correct), and that, conversely, in Syriac *gayartha* is used for "prostitute."

[100] m. Kid. 4.6, 7.

[101] Also t. Kid. 5.3, where the Erfurt Ms. has Rabbi instead of R. J. Briefly, Sifra Emor perek 2 on 21.15.

[102] In m. Bik. 1.5 (cited Yeb. 57a), R. E. b. J. forbids the daughter of converts to marry into the priesthood even to ten generations, unless her mother was of Israel, which should probably be understood as equivalent to the present Mishnah.

[103] Brief ref., Kid. 74b.

[104] Kid. 78a; p., *ibid.*, 4.6.66b; Bik. 1.5.64a.

[105] p., *ibid.*, and see Ch. XI, sec. 31.

[106] Kid. 72a. Ch. XI, sec. 42.

[107] See previous n.

[108] Cp. Ch. XIII, n. 54.

[109] See *ibid.*, n. 55 ff.

[110] m. Yeb. 8.2. The Gemara (76ab; also *ibid.*, 57a) discusses the permissibility of marriage between a castrated priest and a convert, and this subject is elaborated casuistically in a story found in p. Yeb. 8.2.9b; p. Kid. 4.6.66a. The halakah permits such a union: Maim. Issure Biah 16.1. Another piece of casuistry, ascribed to R. Meir, shows that the same couple could have as their children successively a Gentile, a convert, a slave, a *mamzer*, and a freedman! (t. Kid. 5.11, 12; p., *ibid.*, 3.14.64d-65a).

[111] m. Yeb. 2.8; 8b., *ibid.*, 24a.

[112] t., *ibid.*, 4.6.

[113] Issure Biah 14.12.

[114] *Ibid.*, 10.

[115] m. Yeb. 11.2; cited with variants, Sif. D. 289 on 25.6. An interesting report tells that the right of converts to enter into levirate marriage was once argued by students of R. Yasa, when the question was raised by members of the house of Ashtin (Ashtor). The final decision forbade such a union. p. Yeb. 11.2.11d bot.; see Ch. XI, sec. 30.

[115a] Yeb. 97b-98b.

[116] Yeb. 97b bot. The tosefta 12.2 reads similarly except that it does not mention twins; the second sentence should no doubt be emended to read as does the Babli.

[117] *Ibid.*, 98a. [118] bar. 98a.

[119] *Ibid.*

[120] There is something strange about the text, for Judan is a man's name.

[121] Weil, p. 73 ff.

[122] *Ibid.*, 98b; Sanh. 57b-58a. For the rest of this bar. see below, n. 127.

[123] p. Yeb. 11.2.12a. Gen. R. 18.5 gives R. Meir's view as in p. Yeb., then adds that the sages require the divorce of a half-sister on the mother's side, but not on the father's. Gerim 3.6 has an odd recension in which R. Meir requires the convert to divorce his aunt on either side, while the sages permit the union to stand. Further if one has married two half-sisters on the mother's side (!), R. Meir requires that they be divorced, while the sages permit him to keep one.

[124] The Babli reaches the same conclusion: n. 128.

[125] Issure Biah 14.13.

[126] See e.g., *JE*, VIII, 45 f.

[127] Yeb. 98b.

[128] *Ibid.*

[129] p. Yeb., *loc. cit.*

[130] See Maim. Issure Biah 14.15, and Karo's comments on the extension of the Talmudic law in the Code. According to a baraita of R. Hiyya preserved in Gen. R. 18.5, the law of Deut. 24.1 ff. does not apply to a converted couple, if their original divorce and marriage occurred prior to their conversion.

[131] bar. Kid. 62a bot.

[132] m. Ket. 1.2. For the discussion of the Gemara, see Ch. IV, sec. 5, n. 60.

[133] m., *ibid.*, 1.4.

[134] Cp. n. 117.

[135] t. Ket. 1.3. This case is similar to that of a deaf mute or idiot, etc., who is afterward cured.

[136] m. Ket. 9 end, t., *ibid.*, 9.6.

[137] b. 90a, p. 9.13.33c.

[138] Maim. Ishut 11.7; Eben HaEzer 67.11.

[139] Ket. 37a; t., *ibid.*, 6.6; p. Yeb. 4.11.6a; p. Nid. 1.4.49b, see above, n. 117; also in Yeb. 35a, introduced by a statement of Samuel—found in two versions, 34b and 35a—which seems to support R. Jose. R. Judah's opinion, anonymous Yeb. 42a; given by R. Oshaya n. R. Hiyya the Great, PRK Bahodesh ‡119, Tan. B. Yitro 11.

[140] p. Yeb. and Nid., *loc. cit.*

[141] m. Yeb. 4.10, b., *ibid.*, 41a ff. The halakah is according to the anonymous mishnah; R. Judah's minority opinion in the same place agrees with the general principle, but permits marriage in instances where the question of paternity cannot possibly arise. But see below.

[142] Even if she had not been previously married, we do not presume her to have been virtuous—above, n. 139.

[143] Ket. 37a. [144] p. Yeb. and Nid., *loc. cit.*

[145] Yeb. 35a. P. Yeb. 4.11.6a reports a case which was decided according to R. Jose's view.

[146] Gerushin 11.21.

[147] Maggid Mishneh, *ad loc.*, especially since Maimuni agrees with R. Jose that a girl need not wait three months to marry after seduction or rape.

[148] Eben HaEzer 13.5. This explanation, it must be said, does not seem to fit the plain sense of Maimonides' words (see Lehem Mishneh, *ad loc.*) and in fact, some of the later authorities disagree with Karo and follow the stricter view (Pithe Teshubah ad Eben H., *loc. cit.*).

[149] This provision, according to Karo, is derived from that version of the baraita found in Yeb. 42a, of which Raba gives a highly casuistic interpretation.

[150] m. Ket. 4.3; more briefly, Sif. D. 238 and Mid. Tannaim, p. 141, to Deut. 22.19. The Gemaras (b. 44b top; p. 4.4.28b bot.) also supply a Biblical basis for the distinction.

[151] m. Ket. 3.1, 2. See n. 132.

[152] Sifra Kedoshim perek 9, *ad loc.*, cited p. Yeb. 11.2.11d with the remark: "R. Jacob b. Aha, R. Yasa n. R. Johanan: About what do they differ? About a convert whose begetting was not in holiness, but whose birth was in holiness; but in case of a convert whose begetting and birth were not in holiness (so Korban HaEdah emends, the explanation of our text in Pne Mosheh is far-fetched), R. Jose HaGelili also agrees that he is not liable."

[153] According to the text in p. Sot. 2.6.18b they made her drink three times for one husband.

[154] m. Eduyot 5.6; Sif. N. 7 to 5.12, similar; cited Ber. 19a; p. Sot. 2.6.18b bot., p. MK 3.1.8d, where the reading *dikmah* and its explanation support the first interpretation given in the text. Shemayah and Abtalyon, because of their own foreign ancestry, may have objected to any distinction between native and proselyte Jews; or they may have been sensitive lest they appear to be lenient with a proselyte. Dr. Mann regards this interpretation as far-fetched, and prefers the second, which is given by R. Hai Gaon, cited in *Aruch Completum*, Vol. III, pp. 17-18.

[155] Sot., *loc. cit.*, with the emendations of Rabed, cited in Korban HaEdah.

[156] A similar exegesis, briefly, b., *ibid.*, 26a.

[157] Maim. Sotah 2.6.

[158] m. Demai 6.10; t., *ibid.*, 6.12. See also Ch. XI, n. 84.

[159] *Ibid.*, 13.

[160] Kid. 17b.

[161] This interpretation is borne out by a baraita permitting this practice if the convert was the heir, but not if he was the partner, of the heathen. AZ 64ab cites the Mishnah in another connection, but gives the same interpretation as that given here, citing also the corroborative baraita. And see sec. 29.

[162] The Talmud text is uncertain: see annotators.

[163] Hoshen Mishpat 127.2.

[164] *Ibid.*, 39d.

[165] Maim. Zekiyah u-Mattanah 1.6 and Karo, *ad loc.*

[166] m. Bek. 8.1. The other cases mentioned in the passage are not relevant.

[167] Bek. 47a; in Yeb. 62a the two controversies are reversed; the Gemara in both places explains why it was necessary to report both of them. In Bek. an attempt is made to argue against R. Johanan from the Mishnah, but this is refuted; then a baraita supporting Resh Lakish is declared by Rabina (or R. Aha) to represent the minority view of R. Jose HaGelili.

[168] Maim. Ishut 2.6 on the command to be fruitful, but with the limitation that the children must be converted with their father; Nehalot 2.12 regarding inheritance.

[169] Yeb. and Maim. Ishut, *ibid.*

[170] Gerim 3.8; cp. n. 7.

[171] BB. 3.3.

[172] *Ibid.*, 52b-56a. Weil pp. 82-83, erroneously citing BB. 43.

[173] Further material on this point, t. BB. 2.11, 12; Gerim 3.9-12; p. Kid. 1.5.60c. We find also discussed the question of the responsibility for agricultural dues on the part of those who take possession of land on which there is a crop: p. Kid., *ibid.*, p. BB. 3.1.13d; t. Peah 2.10.

[174] BK 49b, R. Yeba Saba and R. Nahman; the discussion over the scrap of paper is continued by the commentator Lehem Mishneh ad Maim. Zekiyah u-Mattanah 1.9. (Weil, p. 83, by error has BK 29b).

[175] BK, *ibid.* (Weil, p. 84). Regarding slaves, see nn. 198, 199.

[176] bar. BB. 142a. Variants, p. Yeb. 4.1.5c and BB. 9.1.16d bot. See Maggid Mishnah ad Maim. Zekiyah u-Mattanah 2.18, stating that the baraita is found also in Sifre, but I have been unable to locate it.

[177] t. Shek. 3.11.

[178] Shulhan Aruk, Hoshen Mishpat 275.31; Weil, p. 84 f.

[179] Erub. 64a bot.; seemingly a baraita, the authority uncertain.

[180] m. BK 5.4.

[181] *Ibid.*, 49a bot.

[182] This bar. also BK 42b-43a.

[183] Maim. Hobel U-Mazzik 4.3, 4.

[184] Yeb. 22a. The halakah follows Amemar: Maim. Edut 13.2.

[185] t. Ket. 3.3; there are several textual variants. That R. Johanan b. B's remark is to be taken as we have indicated and does not refer to the intervening matter we have omitted, is indicated by the parallel in the Babli: see next n.

[186] b., *ibid.*, 28b.

[187] Sif. D. 157 ad v. Mid. Tannaim, *ibid.*, p. 104 simply says "to exclude the convert" and then argues that the v. cannot mean that the king must come from the tribe of Judah.

[188] Yeb. 101b-102a.

[189] Maim. Sanh. 11.11: Sanh. 36b then applies to this last case.

[190] Sif. D. 291 end on 25.10; Mid. Tan., *ibid.*, 167 specifically states that both parents must be Jewish.

[191] Yeb. 101b bot.

[192] Yeb. 45b-46a.

[193] Mek. Pisha 15 on 12.48; MRS, *ibid.*, p. 30; Yeb. 46a; Gerim 2.4. See Ch. XI, sec. 9. There is some doubt whether the phrase "before her" means "in front of her" or "before her conversion"; but the first explanation seems correct. According to Dr. Lauterbach, (n. 11 to Mek., *loc. cit.*) interpreting a saying of R. Nathan, the point is simply that if the slave bathes before his master, the fact that the latter did not interfere is proof that he was agreeable to the manumission. This would apply to all slaves, regardless of the status of their master. But though this explanation fits R. Nathan's rather terse remark, it does not accord with either the Amoraic or the later Rabbinic view of the subject, which gives this opportunity only to the slave of a convert or to an unbaptized slave just bought from a heathen. See Maim. Abadim 8.21 and commentaries, also Tosafot Had Mikamae ad Yeb.

[194] B. M. 71a. Cp. Sifra Behar parashah 5 to 25.35 and perek 8 to 25.47.

[195] Found also in corrupt form, p., *ibid.*, 5.7.10c.

[196] Abadim 1.2.

[197] See Malbim to the Mek. and Karo to Maim., *loc. cit.*

[198] bar. Git. 39a; Kid. 23a; p. Git. 4.4.45d with variants Gerim 3.8 (last part corrupt) and 3.13. See Weil, p. 85.

[199] Kid. 22b.

[200] p., *ibid.*; b. Git., *ibid.*, R. Jacob b. Iddi in his name.

[201] Git. 39b.

[202] See Tos. Kid. 23a s. v. *ve-ikka*; Maim. Zekiyah u-Mattanah, 2.17.

[203] t. B. M. 5.21; b., *ibid.*, 72a; p., *ibid.*, 5.5.10c (corrupt; we follow the readings of P'ne Mosheh); Gerim 1.10.

[204] So t. and p. In Gerim this view ascribed to the sages.

[205] In Gerim this view ascribed to R. Judah.

[206] So the Tosefta text (which seems slightly confused) should no doubt be understood, and so P'ne Mosheh would emend the Yerushalmi. The Babli does not give R. Jose's opinion on this point.

[207] So the Babli. Tosefta states just the opposite: in any case, the convert need pay only the principal. This text is probably wrong; it merely repeats R. Meir's opinion, and it is hard to find any reason for a distinction on this basis between loans to and from a Gentile, whereas the Babli version has a good logical explanation. Moreover this sentence is missing in the Erfurt Ms. of the Tosefta. The Yerushalmi text is too corrupt to be of help to us here.

[208] b., *ibid.*

[209] This view found only in p., *ibid.*

[210] b., *ibid.*

[211] Maim. Milvah, 5.6.

[212] The chief passages are Sif. N. 2 on 5.5,6 and 4 on 5.8; Sif. Z. *ad loc.* (much of this material reproduced Num. R. 8.5); m. B. K. 9.11,12; t., *ibid.*, 10.16-18; b., *ibid.*, 109a-110b; p., *ibid.*, 9.15.7a. The text of p. seems so corrupt that it will be disregarded in what follows.

[213] Sif. N. 2, Num. R.

[214] Sif. N. 4, R. Ishmael; b. BK 109a, Sif. Z. 5.8, apparently anonymous. That the section applies to defrauding of converts stated also Num. R. 5.1 and 5.3 end; Sanh. 68b bot.

[215] Sif. N. 2, Sif. Z. on 6.5, Num. R. 8.5; all these passages specifically except a minor from liability.

[215a] Sif. N. 4; R. Nathan argues that the law applies also to a female convert, m. BK 9.11; somewhat differently, R. Aaron to Rabina, b., *ibid.*

[216] Sif. N., *ibid.;* BK 109b, briefly Sif. Z. 5.8.

[217] BK 109a.

[218] t., *ibid.*, 10.16.

[219] BK 109b. Maim., Gezelah 8.4 decides according to R. Akiba and in 8.5 according to Raba; but Rabed points out that in any case, according to Akiba, everything goes to the priests unless the obligation was transferred into a loan. Cp. Karo *ad loc.*

[220] m. BK 9.11; Sifre N. 4 merely states that in such cases, the heirs are free from obligation, and states that this opinion was given by R. Akiba before he came from Ziphronah. The Tosefta

(10.17) is more like the Mishnah, and ascribes the opinion to Akiba after he came from Ziphrin.

[221] Sif. N. b. Anonymously, m. B. K. 9.12; t., *ibid.*, 10.18. In b. 110ab, there are several Midrash-baraitas on Num. 5.5 ff., from which are derived several points regarding the manner in which restitution to the priests must be made. Raba seems to have been especially interested in this subject.

[222] bar. BK 109b; Sanh. 68b-69a. According to Zayit Raanan (in Yalk. *ad loc.*) this is the meaning of Sif. Z. 5.8. "We make restitution to a man, but not to a minor."

[223] See especially Num. R. 8, attached to this Biblical passage. Below Ch. IX, n. 14.

[224] m. Makkot 1.3; b., *ibid.*, 9a. So also Maim. Rozeah 5.3.

[225] t. Sanh. 14, beg.

[226] *Ibid.* See app. crit. to p. 436, l.12 of Zuckermandel's ed.

[227] p., *Ibid.*, 10.7.29c, bot. See Korban HaEdah.

CHAPTER VI

PERTINENT HALAKAH REGARDING SLAVES AND FREEDMEN

In what follows, we shall refer only to slaves of heathen origin (referred to in Rabbinic literature as "Canaanite slaves"). The so-called "Hebrew slave" is not only outside the scope of this essay, but appears to have been in Talmudic times an obsolete institution.[1]

A slave in ancient times was normally absorbed into the religious community of his master, as was indeed generally true of anyone settling in a foreign country. This was also the case in Israel. Moreover the Bible specifically commands that all slaves, whether home-born or purchased, must be circumcised (Gen. 17.12.13). It adds that a slave, when circumcised, may participate in eating the Paschal sacrifice. (Ex. 12.44). The effect of these Biblical laws was intensified by the desire of the Rabbis to spread the knowledge and practice of Judaism everywhere. Every effort was therefore made to absorb slaves formally and genuinely into Jewish religious life.

Nevertheless, there were difficulties in the way. Some slaves, no doubt, objected to submitting to circumcision, and even though they might be forcibly subjected to the operation, their value as workers might be impaired if they were antagonized. (Slaves in ancient times were not always such a downtrodden class.) Perhaps such forcible circumcisions might have been the cause of friction with non-Jews during the period when large Gentile settlements existed in Palestine. During a considerable part of the Talmudic period, Roman law made it a criminal offence to circumcise a non-Jew, even with his consent.[2] Finally, the new missionary approach to conversion by spiritual methods must have made forcible conversion

seem most undesirable and even harmful to the enlightened Jewish teachers.

The question is thus raised as to whether Jews may own uncircumcised slaves. R. Ishmael approved this departure, but R. Akiba forbade the retention of uncircumcised slaves. Although he agreed that Ex. 23.12 "the son of thy handmaid" refers to an uncircumcised slave (for the right of a circumcised slave to rest on Sabbath is stated in Deut. 5.14), he declared that it refers to the case where the slave was bought on Friday afternoon so late that there was no time to circumcise him before the Sabbath began.[3] R. Joshua b. Levi stated that a heathen slave bought from heathens may be kept for twelve months, during which time we should try to persuade him to submit to circumcision. Should he continue unwilling, he should at the expiration of a year be resold to non-Jews. A similar view is also found in a baraita, where however, R. Simeon disagrees, holding that uncircumcised slaves are not permitted at all in Palestine because (like any other Gentiles) they cause ritual impurity. It is further added that such slaves may not be kept in frontier cities, lest they, wittingly or otherwise, give information to the enemy. The Gemara attempts to interpret these rules so that they agree even with the opinion of R. Akiba; and concludes that they apply only to cases where the slave was bought with the stipulation that he be circumcised; if afterwards he should balk at the operation, we may allow a year to try to persuade him, but according to R. Akiba we should not keep a slave at all if from the moment of purchase he refuses to be circumcised.[4] The version found in the Yerushalmi[5] agrees largely with this interpretation, but not entirely: "If one buys slaves from a Gentile with the understanding that they be circumcised and then they refuse, one should bear with them (*megalgel imahem*) for twelve months. If they agree, it is well, and if not, it is permitted to resell them to a Gentile." Note that this

version says it is permissible, not obligatory, to dispose of such recalcitrant slaves.[6] The context contains a further report by Rabin, n. of R. Ilai and the teachers of the latter, that an uncircumcised slave may be kept, provided he was purchased on the understanding that he might remain uncircumcised.

The two Gemaras report a case in point. The Babli account, in the name of R. Hanina b. Papi, R. Ammi, and R. Isaac states: "There was a city in Palestine, the slaves of which did not wish to be circumcised; so they bore with them twelve months and then resold them to idolaters." The Yerushalmi version, n. R. Joshua b. Levi, seems more correct: "A certain individual bought a city of uncircumcised slaves from a Gentile[7] with the intent of circumcising them; but they refused. He went and asked the Rabbis and they said to him: Bear with them twelve months. If they agree, it is well; and if not, *all is according to local custom.*"

It can thus be seen that the Palestinian Talmud (which does not cite R. Akiba's prohibition) nowhere forbids categorically the maintenance of uncircumcised slaves. Perhaps in Palestine the Roman law forbidding circumcision of slaves—though often violated—was still a factor to be reckoned with.

Undoubtedly, the usual thing was to induct slaves completely into the Jewish religion. Failure to do so made the slave a handicap in the household, because of the ritual defilement he caused. Technically, he defiled food that could be eaten only in purity; and the possession of uncircumcised slaves barred the owner as well as the slaves from participation in the Paschal sacrifice.[8] But after the fall of the Temple, and especially outside of Palestine, these laws were largely inoperative. There remained in force, however, the Rabbinic decree forbidding the use of wine with which idolaters had had anything to do (*yeyn nesek*). An uncircumcised slave could thus render wine which he touched unfit for use.[9]

Aside from these material considerations, the Rabbis had a positive religious approach: they really wanted to make pious Jews out of the Gentiles whom they bought as slaves. The desirability of buying Gentile slaves because "one brings them under the wings of the Shekinah" is several times mentioned.[10] There is a baraita which permits the purchase of slaves (and other property) at heathen fairs.[11] In Genesis Rabba (sec. 47, end) a variant form of this tradition states that such purchases may be made on the middle days of the festivals. And Resh Lakish then says to R. Joshua b. Levi that one may even buy Gentile slaves on the Sabbath because one is bringing them beneath the wings of the Shekinah. This extreme view is not to my knowledge found elsewhere.

Juster[12] points out that the Roman law which forbade the circumcision of non-Jews, gave freedom to the slave whose master circumcised him. He supposes that many slaves pretended to embrace Judaism in order thus to obtain their freedom. But there is nothing in Rabbinic sources to indicate that this ever occurred, and it is highly probable that—like the other provisions of the laws against conversion and circumcision—this rule was not consistently enforced by the Roman authorities.

Of equal importance in the eyes of the Rabbis was the baptism of the slave. This was not purely a religious ceremony, but was the means whereby the status of the slave was legally determined. The intent of the baptism was all important. Thus, if one seizes a heathen child and baptizes him with intent to convert him, he becomes thereby a convert; if he is baptized with intent to make him a slave, he remains a slave.[13] One who buys a slave from a heathen does not acquire a perfect title to him; and if the slave can baptize himself as a freedman, he receives his liberty. The Jewish master is therefore cautioned to baptize such a slave forcibly and to prevent him from speaking until the ceremony is complete.[14]

But the baptism also had a purificatory and religious

aspect. Thus we have a tradition[15] stating that heathen slaves who have been circumcised but not baptized (as well as the children of unbaptized slave women) render wine undrinkable (*yeyn nesek*) if they handle it. The only exception is in the case of children too young to know anything about idolatry or its ministers. It is also stated that such slaves (regardless of age) cause ritual defilement by their spittle or their tread (*midras*), although the Babli likewise preserves another reading in which it is stated that they do not defile.[16]

There are departures from this baraita in the names of Rab and Samuel. Rab declares that a heathen renders wine unfit from the day of his birth. Samuel holds that even after circumcision and baptism, a heathen slave renders wine unfit until idolatry has disappeared from his speech—a period defined by R. Joshua b. Levi as a year. The Gemara attempts to adjust these statements with the beraitot. Samuel's view is rejected, and Rab's is limited to the uncircumcised as well as unbaptized children of heathen slavewomen.[17] There is some disagreement as to the final decision among the medieval authorities, though Maimuni and other important figures accept the view just given.[18] At any rate it is clear that the Rabbis definitely regard a slave as heathen until he is both circumcised and baptized—a matter of some significance for the controversy we have discussed elsewhere (Ch. IV, nn. 36 ff).

Although with baptism the slave enters into Jewish religious life, he must be baptized again if he is set free, in order to become a full-fledged Jew.

Once inducted into Jewish life, the slave is obligated to observe the same commandments as those obligatory on women: namely, all negative commandments (with a few minor exceptions), and all positive commandments which need not be observed at a particular time.[19] The reason for excusing the slave from performing positive commandments which must be fulfilled at a set time is

the same as in the case of women—the slave's time is not his own to dispose of, and therefore he is not obliged to perform religious duties with which his master's orders may interfere. As to whether the slave may fulfill such commandments if he so wishes, there is a question. M. Suk. 2.1 suggests a negative answer, but the Yerushalmi on this Mishnah (52d) reports that Tabi, the famous scholarly slave of R. Gamaliel, put on phylacteries and the scholars did not interfere. Semahot 1.12 reports that Gamaliel himself approved and justified it to his students on the ground that Tabi was not a typical slave. The implication of the Palestinian Gemara seems to be that slaves may observe any commandment if they so choose, while the minor tractate suggests that this is permissible only in unusual cases.

Highly remarkable is the extent to which the law respects and protects the Judaism of the slave after he has entered the Jewish fold. This consideration has complete priority over the property rights of the master. "If one sells his slave to a heathen or (to anyone) outside of Palestine, the slave acquires his freedom" at once.[20] This principle is discussed by the Gemaras in exceedingly full detail[21] with reports of several instances in which these laws were applied. The conclusions are summarized in Maim. Abadim 8. Without entering upon all the legal ramifications of the subject, we may note that if the slave is already in the hands of the Gentile purchaser, the original owner must buy his freedom even if he must pay ten times his value (another report which says "one hundred times" is not taken literally by the Gemara); if the transaction is not complete, the slave becomes free at once. Similarly if the master turns his slave over to the labor gangs of the government without endeavoring to obtain his release, or if he gives the slave as security for a loan. If the slave is sold to a Jew outside of Palestine, the new master must set him free and cannot recover his purchase price.

Even more remarkable is the right of the servant to demand to live in Palestine. If he wishes to remove to the Holy Land from his present dwelling place and his master is unwilling to move, he can insist on being sold to a Palestinian or else being set free. Nor can his master force him to leave Palestine.[22]

If a slave flees from his master in the diaspora and settles in Palestine, the court requires the master to give the slave a deed of manumission, and to accept the new freedman's note for the purchase price.[23]

These laws are limited only by a few technicalities, to prevent loss to the owner in cases over which he has no control. Thus if a master takes his slave (who has not protested) with him to Syria and settles there permanently, he may at a later date, sell the slave to a fellow Jew.

It is perfectly clear from the above that a slave, once circumcised and baptized, is regarded as a Jew in every sense, and his spiritual welfare is of paramount importance.

The Rabbis encouraged the freeing of slaves, and this was apparently a frequent occurrence, among the Jews as well as among the Romans. Weil (p. 100) points out that while the former master still had some claim over his libertine in the Roman system, the Jewish freedman was absolutely his own master. "The sages approved manumissions made for any religious purpose, even so slight a one as that of completing the number of ten men required for the celebration of public worship, and they decided almost every doubt in favor of freedom."[24] The religious aspect is indicated in the discussion[25] of actions by the master which indicate that he considers his slave free, even though he has not yet formally manumitted him. Among these are the placing of phylacteries by the master on the head of the slave or betrothing the slave to a free woman.[26]

The actual manumission consists in the handling of a document (*get shihrur*) to the erstwhile slave. If the slave

becomes entitled to his freedom through any action of his owner, the latter is compelled by the court to give him this document. Thereupon the new freedman must take a ritual bath.

The status of the freedman in Jewish law is precisely the same as that of any other convert. Almost the only distinction is that in the list regarding precedence (Ch. V, nn. 15, 16) the convert takes precedence over the freedman. It is a striking fact that although the laws for both groups are the same, they are as a rule both mentioned. We have seen many instances (and others were omitted for the sake of brevity) in which converts and freedmen are mentioned as subject to the same legal provisions. Evidently there was a sharp distinction in the minds of the Rabbis, reflecting an equally sharp distinction in the social life of the day, between the free-born proselyte and the former slave. "Why is it," R. Elazar b. R. Zadok was asked by his pupils, "that all rush to marry a converted woman but not a freedwoman?" He answered "One was formerly in the category of the accursed (Gen. 9.25), not the other. Another explanation: the convert was presumably protected (against violation before her conversion), the other was not."[27]

NOTES TO CHAPTER VI

[1] See above, Ch. V, nn. 194 ff. The material in this chapter is treated in Weil, pp. 94-101.

[2] See Ch. XIII, nn. 45a ff.

[3] Yeb. 48b.

[4] *Ibid.*

[5] *Ibid.*, 8.1.8d n. R. Johanan.

[6] Dr. Mann regards the inference from this change in phraseology as "forced"; but see the Yerushalmi version of the case cited.

[7] This apparently means that the inhabitants of a village had been sold into slavery and the Jew bought them as a single lot.

[8] Pes. 96a; Yeb. 70b. In Mek. Pisha 15 on 12.48, there is a Tan-

naitic controversy on this question, the texts vary as to the scholars involved. Yefeh Enaim ad Pes. argues from R. Phineas' statement in p. Pes. 3.7.30b that he agrees with those who do not regard circumcision of slaves as absolutely essential before the owner can participate.

[9] See Ch. V, sec. 9.

[10] AZ 13b; p., *ibid.*, 1.1.39b and 1.4.39c, Resh Lakish.

[11] AZ 13a; p., *loc. cit.*

[12] Vol. I, p. 268-9.

[13] MRS 29 on 12.48; Maim. Abadim 8.20. Quite possibly, the passage in the Midrash HaGadol is borrowed from Maim. and does not belong in MRS.

[14] Yeb. 45b-46a. See Ch. IV, sec. 4d).

[15] t. AZ 3(4).11 and b., *ibid.*, 57a.

[16] The Tosefta version contains another sentence in the name of R. Jose as to the presumed status of the slaves of Israelites and Samaritans, but text and interpretation are not altogether certain.

[17] b., *ibid.*, 57ab.

[18] See Maim. Maakalot Asurot 11.5,6 with Karo and Hagahot Maimuniot.

[19] Hag. 4a; Nazir 61a; Keritut 7b. Cp. m. Kid. 1.7. The obligation of slaves to observe the commandments is mentioned incidentally in BB 4a; Sanh. 86a, "he is his brother with respect to the commandments"; Yeb. 23a (slavewoman).

[20] m. Git. 4.6.

[21] b. 43b-45a; p., *ibid.*, 4.6.46a and AZ 1.4.39cd. See also t. AZ 3(4).16.

[22] Ket. 110b bot., and see Karo ad. Maim. Abadim 8.10.

[23] Yeb. 45a, where an actual case of this sort is recorded.

[24] Dembitz in *JE* XI, 406a.

[25] Git. 39b-40a.

[26] See Maim. Abadim 8.17 ff. and the commentaries.

[27] Hor. 13a bot., in p., *ibid.*, 3.8.48b, anonymous, only the second reason is given.

CHAPTER VII

SEMI-PROSELYTES AND QUASI-PROSELYTES

In this chapter we shall consider the status of certain groups that are, in one way or another, akin to converts, or that have been confused with converts by those who have written on the subject. Since most of this material is not strictly pertinent to our investigation, our presentation will be briefer.

1. Samaritans. The Bible relates that when the Israelites of the Northern Kingdom were deported, the Assyrians settled in their cities people from other parts of the empire. These colonists, who at the start worshipped their own heathen gods, were attacked by lions. Feeling that this was a punishment for neglecting the God of the country, they turned for help to the king of Assyria who sent an Israelite priest to instruct them. Henceforth they observed the precepts of the Israelite religion, but with it they mingled their own heathen rites, and so they do unto this day. (II K. 17.24-41.) This account of the origin of the Samaritans is, of course, accepted by the Rabbis, whose comments on the story will appear in our aggadic section (Ch. X, sec. 15). It is also from this incident that the Rabbis derive the expression *gere arayot*, "lion-proselytes," for those who accept Judaism out of fear (Ch. III, sec. 2).

Thus, in theory, the Samaritans should have the status of converts (or rather of descendants of converts), since even "lion-proselytes" are declared proper converts by the halakah. There are, in fact, many legal passages in which there is disagreement as to whether the Samaritans are "lion-proselytes" or true converts.[1] Actually the posi-

tion of the Samaritans was altogether unique. They are not new converts. They are not heathen. Nor are they by any means full-fledged Jews. They are not consistent in observing the Jewish law; and as their marriage practices are not altogether correct, and their family tree is blemished, we do not intermarry with them.[2] It is true, according to R. Simeon b. Gamaliel, that those Jewish laws which they observe, they fulfill with greater punctiliousness than do real Jews.[3] But they do not observe all the commandments; and they regard Mount Gerizim as sacred. Thus we treat them in some respects like heathen, in some respects like Jews.[4] If they renounce their loyalty to Mount Gerizim and acknowledge the sanctity of Jerusalem and the truth of the doctrine of resurrection, we accept them as full Jews.[5] The Talmud nowhere forbids such reception of Samaritans. In two late aggadic works, however, they are banned from entrance into Jewish life—an attitude which no doubt reflects the circumstances of the Gaonic period.[6]

So far, in sum, the halakah. We know from many sources that there was constant and bitter antagonism between the Jews and the Samaritans. Not merely differences in religious theory and observance, but a wide social gap separated them. In many of the political and military struggles that ravaged Palestine, before and after the fall of the Temple, the Samaritans and the Jews were on opposite sides.[7] Thus, while there are numerous specific references to individual converts in the Rabbinic literature, I have not encountered a single instance of a Samaritan who affiliated with the Jewish community. In short, we need not pursue this subject further.

2. Ger Toshab. As we have explained, the term *ger toshab* is used in Rabbinic writings in much the same sense as plain *ger* in the Bible: to denote a foreigner living in Palestine (Ch. II, n. 6). Biblical mention of the *ger* is usually interpreted as referring to converts; sometimes

it is understood to refer to the *ger toshab*. In particular, the rule (Deut. 14.21) that the meat of animals not properly slaughtered must be given to the *ger* is applied to the resident alien, not to the convert (Ch. V, n. 5).

More specifically, the law regarding the *ger toshab* describes the way in which the Rabbis *would have liked* to regulate the conduct of pagans dwelling in Palestine, *if they had had the power to do so*. This legislation is theoretical, as proved by the fact that the Tannaim disagree completely as to the requirements made of a legitimate *ger toshab*. R. Meir held that he must promise not to worship idols; the sages, that he must obey the seven Noahide laws; while others held that a *ger toshab* observed the entire Torah except the prohibition of eating carrion.[8] Further testimony to this fact is found in the similarly theoretical character of the analogous laws of the Noahides, which also presume to regulate the life of the heathen under Jewish sovereignty.[9] Finally, R. Simeon b. Elazar declares that the law of *ger toshab* is in force only when the Jubilee law is observed[10]—that is, it is utopian. Since the law of *ger toshab* was not only theoretical, but regards such a *ger* not as a convert, but as a heathen, we need not go deeper into the subject.

But one exception must be noted. Lévi has effectively pointed out that in Rabbinical literature, the term *ger toshab* is occasionally used to indicate a *partial convert*. This will be discussed in the next section.[11]

3. "*Fearers of Heaven.*" We have seen that in addition to full converts, there were many Gentiles who attached themselves to the synagogue and who accepted the ethical monotheism and some of the forms and ceremonies of Judaism. Quite possibly, it is to such partial converts that the Bible refers by the phrase "those who fear the Lord" (Ch. II, n. 3); at any rate, this name was applied in the Hellenistic world to such people. In Josephus and Philo, the New Testament, the inscriptions and elsewhere,

we learn of a numerous group who had not formally entered the Jewish fold, and who yet depended on Judaism for their spiritual sustenance and direction. In Greek they are called *sebomenoi* (or *phoboumenoi*) *ton theon*, in Latin, *metuentes*. They appear to have been welcomed by the Jewish group and its leaders, though technically and legally they were still heathen. Strictly speaking, therefore, it is wrong to call them partial converts; only he is a convert who formally accepts Judaism before a court, by means of circumcision and baptism. Yet a distinction was certainly made, in life if not in law, between the idolatrous Gentile and the Gentile who feared God. It is to this group that the term "proselytes of the gate" *gere sha'ar*, which does not occur in Talmudic literature, is sometimes applied.[12]

It has been pointed out that Rabbinical literature rarely mentions those incomplete converts;[13] and Bertholet has even gone so far as to deny the existence of such a group in the Talmudic age. This extreme notion has been successfully refuted by Lévi.[14] The sources speak unmistakably, even though not often, about semi-converts, who are called "fearers of Heaven." (Cp. the use of "kingdom of heaven" for "kingdom of God.") The evidence is as follows:

A homily on Is. 44.5, identifies the four classes mentioned in the verse as children of wicked Israelites, penitents, righteous converts, and fearers of heaven.[15]

The phrase "ye that fear the Lord" (Ps. 22.24) refers to fearers of heaven, in the opinion of R. Joshua b. Levi; but R. Samuel B. Nahman took it as a reference to full proselytes.[16]

The heathen children suckled by Sarah (Ch. X, nn. 23, 24) were spiritually as well as physically benefited. "Our Rabbis" say that every child who was brought to Sarah with high intent (*leshem shamayim*, not with the purpose of embarrassing her) became a fearer of heaven.[17] According to R. Levi, these children became full proselytes; and

it is added that all the converts and all the fearers of heaven in the world are descended from the children who were suckled by Sarah.[18] Abimelech the king of Gerar also referred to himself as a "fearer of heaven."[19]

The "cities of the sea," said R. Hanan, are saved from the divine extermination which they deserve only through the merit of one convert or one fearer of heaven whom they produce each year.[20] A report which we will discuss later, tells that the Jews were once saved from massacre by a Roman official, who is several times called a fearer of heaven. This semi-convert was circumcised just before his death.[21]

Lévi has likewise shown that in a few cases these semi-converts are spoken of by the title *ger toshab*. This is proved unmistakably by a baraita which describes Naaman as such.[22] For Naaman was not by any stretch of imagination a resident alien. He was a foreigner who accepted Jewish monotheism, a "fearer of heaven."

Finally there is a statement[23] that we should bear with a *ger toshab* for twelve months; if he does not fully convert by that time, he is regarded as a Gentile in every respect. The passage presents some difficulties, which the Gemara does not greatly relieve. After all, the *ger toshab* is by definition a Gentile in every legal respect. And this, even if, as we cannot doubt, the phrase here refers to a semi-convert! Obviously, some special consideration, if not a special legal status, was given by the Rabbis to those Gentiles who were sympathetically interested in Judaism —and whom the Rabbis hoped to convert.

This evidence presented by Lévi is powerfully corroborated by a text that came to light but recently: "Who is a *ger toshab*? Whoever is inclined (*nathan da'ato*) to convert and has rejected idolatry, but has not yet been converted. We wait for him twelve months."[24]

Although the material we have presented is largely aggadic in character, it is convincing enough. Lévi has made out his case for the existence in the Rabbinic period

of semi-proselytes, who had some recognition from the Rabbis and who are occasionally called by the term *ger toshab*. In fact, a movement for converts logically involves the existence of an intermediate class, who are interested but not yet completely convinced. In the early period (and especially in the diaspora) these semi-converts were almost a special caste; and many individuals lived and died as *metuentes*.[25]

In the Rabbinic period, however, to judge by the scantiness of the references, the fearers of God were less numerous, and did not constitute a sharply defined class. No doubt it was in this group that Paul and his associates had found many adherents. Those who remained loyal to Jewish tradition must have been powerfully influenced by the catastrophic events of the time to become full converts. The days of the revolt against Rome and the destruction of the Temple, and even more those of the Bar Kokba rebellion and the terrible persecution that followed, were not a time for a dilettante approach to Judaism. The fearer of God must have been impelled by the heroism of the Jews to cast his lot in with them, or else by their disasters to abandon their fellowship altogether.

The Rabbis themselves seem not to have desired such lukewarm adherents. In the old days, they were not a danger; but now it would be difficult to distinguish a "heaven-fearer" from a *Min*, i.e., a Christian or Gnostic sectary, who might be an informer in addition to the spiritual menace he involved. Hence the rule of R. Johanan or R. Haninah that a *ger toshab* must make up his mind within a year to be circumcised and fully converted. If he fails to do so, we treat him as a complete outsider. As time goes on, the references to fearers of heaven disappear altogether from the sources.[26] This interpretation, which accords with the views of Lévi and of Strack-Billerbeck, seems to me to cover all the evidence satisfactorily.

NOTES TO CHAPTER VII

[1] Kid. 75b; BK 38b; Sanh. 85b; Hul. 3b; Nid. 56b. The details of this controversy are of a purely legal character. See next n.

[2] p. Yeb. 7.6.8b bot; *ibid.*, Ket. 3.1.27a bot; *ibid.*, Git. 1.5.43c bot. Kutim, end.

[3] Ber. 47b; Git. 10a; Kid. 76a; Hul. 4a; t. Pes. 1(2).15.

[4] See in general the minor tractate Kutim with the parallels cited by Higger.

[5] Kutim, end.

[6] SEZ 1.169 (in a version of the baraita about Dosa b. Harchinas, which omits mention of the Palmyrenes—Ch. III, n. 24—; PRE 38.301 and Friedlander's nn. referring to Büchler, *REJ*, vol. 43, pp. 50 ff.)

[7] See, e.g. *JE* vol. X, p. 671.

[8] AZ 64b, 65a; in Gerim 3.1, R. Judah holds the third view, and that of the sages is not mentioned. Similar confusion, but in different form, p. Yeb. 8.1.8d.

[9] Sanh. 56a-60a.

[10] bar. Arakin 29a.

[11] Graetz, "Die jüd. P.," pp. 13 ff. (who has a theory for the origin of this class) and Bialoblocki (pp. 5 ff. and also n. I at end of his essay) also regard the *ger t.* as an intermediary stage between heathendom and Judaism, but are less accurate and correct in this than Lévi. Usually, the *ger t.* is *not* a semi-convert. Hamburger's article *Proselyt* in *Real-Encyclopädie*, Vol. II, pp. 940 ff., confusing the *ger t.* and the so called *ger shaar*, is altogether misleading. Except for this one exception, the treatment in Moore, Vol. I, pp. 338 ff. and Vol. III, p. 112, n. 104, is most admirable.

[12] See on this point Schuerer, Second Div., Vol. II, pp. 316 f.; Moore, Vol. I, pp. 340-341; Bialoblocki, p. 4 and n. 11 at end of his essay.

[13] Strack-Billerbeck, to Acts 13.16 pp. 716 f.

[14] *REJ* Vol. 50 (1905), pp. 1-9, 29-31 and Vol. 53 (1907), pp. 56-58.

[15] Mek. Nezikin 18, end of comments on 22.20. The texts vary somewhat. Mishnat R. Eliezer, p. 303 has: patriarchs, converts, penitents and fearers of heaven. A different form of this homily, in ARN I 36.54a; SER 18.105; Ginze Schechter II, p. 193 mentions only true converts and does not speak of fearers of heaven.

[16] Tillim 22.29; Lev. R. 3.2. Similarly, "the Lord preserveth the faithful" (Ps. 31.24) refers to proselytes: Tillim 31.8.

[17] Gen. R. 53.9.

[18] PR 43.180a.

[19] *Ibid.*, 42.176b.

[20] Gen. R. 28.5. See Ch. XII, nn. 5 ff.

[21] Deut. R. 2.24. See Ch. XI, sec. 12. Lévi also cites p. Meg. 1.13.72b and Gen. R. 44.4, which speaks of fearers of heaven; but in these two passages, especially the first, the reference does not seem to be to semi-converts.

[22] Git. 57b; Sanh. 96b. See Ch. X, sec. 13.

[23] AZ 65a, R. Johanan; p. Yeb. 8.1.8d, R. Haninah.

[24] Mishnat R. Eliezer, p. 374. I am indebted to Dr. Mann for this important reference.

[25] Among the Roman Jewish epitaphs, six are of such semi-converts; Samter, p. 14. In a famous passage, Juvenal describes as a typical occurrence in his day the complete conversion to Judaism of the sons of a fearer of heaven: Satire xiv 96 ff.

[26] Cp. above n. 15, the version of Mek. Nezikin 18 with that of the later works ARN and SER.

CHAPTER VIII

CONCLUSIONS

The inductive method we have followed in this halakic section does not conduce to simplicity of presentation. But there has been so much confusion and misunderstanding here that it seemed best to consider all the data first, topic by topic, and to draw conclusions at the end, rather than to start out with a neat and perhaps misleading synthesis. The findings that emerge from our study of the halakic material may now be summarized.

A very large part of this material proves to be of purely legal character, and does not in itself manifest a particular attitude, favorable or unfavorable, toward converts and conversion. In some cases, the reference to converts is only incidental to, or illustrative of, some other legal theme (Ch. V, sec. 8, etc.). In many instances, we have had to deal with the special legal consequences of the unique status of the convert.

This unique status is due, first, to the fact that the convert was born a Gentile. From the standpoint of Jewish law, he therefore has no paternity. For the same reason, a converted woman is not legally presumed to have been virtuous prior to her conversion. Both these provisions reflect the Rabbinic attitude toward the *heathen*, not toward the convert. They undoubtedly arose from the feeling—largely based on realities, as we know from the literature of the Hellenistic and Roman world—that pagan standards of morality were very low in the centuries immediately before and after the beginning of the present era. However, the provisions were enforced automatically and technically, without regard to individual circumstances; so that no slight was implied in any particular case.

The second factor in the convert's unique status is the rule "A convert is like a new-born child." This principle, by which the convert breaks completely with his past, no longer having any blood relationships recognized by law, is no doubt a rationalization and abstraction of what actually occurred in such cases. Whereas a Roman subject or citizen might experiment at will with all sorts of new fangled deities and Oriental cults, and still remain within the framework of his normal family and civic life, conversion to Judaism involved a sharp break. It meant casting in one's lot with a people who may have had many admirers, but who had equally (or more) numerous enemies. The laws of diet and purity made intimate contact with the unconverted heathen difficult. The uncompromising monotheism of Israel barred the new convert from participation in family or civic rites during which the household gods or the deified Caesar were worshipped. The Jews had a special legal and social position in the Roman Empire, possessing certain privileges (notably in being released from the obligation of emperor worship) and, especially after the year 70, subject to special disabilities, such as the *fiscus Judaicus*, and the persecutory laws of Hadrian. Converting to Judaism must have meant that the convert either brought his family with him into the Jewish fold or else broke with them completely. Our principle is in large measure the legal expression of a historic fact.[1]

These two factors—the Gentile birth of the convert, and the fact that his conversion breaks all his old family ties—are the sufficient reason and cause for much of the halakah we have examined. The first leads to many of the provisions connected with marriage (e.g., Ch. V, sec. 16). The second likewise affects the marriage law (*ibid.*, sec. 14), and is also the basis of many rules regarding inheritance and related matters. For by virtue of this principle the convert has no heirs, unless he has children conceived and born subsequent to his conversion. This was

of considerable interest to the Rabbis, not only from the practical standpoint, but also as a matter of legal theory. For technically no born Jew can die without legal heirs: all Jews are related through the patriarchs, and sufficient search will always reveal some kindred. Only the convert is really without heirs.[2]

We have seen among this purely legal material certain elements which previous scholars have mistakenly deemed significant for our purpose. Two controversies, one between the schools of Hillel and Shammai, the other between R. Eliezer and R. Joshua, in which earlier writers have seen a conflict between a friendly and a cold attitude toward converts, have proved on closer examination to be entirely neutral, and of abstract legal character (Ch. IV, sec. 4d). In several cases, we have found that provisions which other students have called discriminatory, were not so in fact (Ch. V, sec. 2, 31).

There is indeed, almost nothing in the halakah that betrays hostility or prejudice toward converts. The opinion that after the Hadrianic war candidates were received in such a way as to repel them has been shown to be erroneous. On the contrary, the Rabbis emphasize that we should be careful not to discourage the prospective convert, even though we must speak honestly of the difficulties he will encounter (Ch. IV, sec. 2 and n. 8). The regulation forbidding a priest to marry a converted woman is due, not to ill will toward converts, but to the emphasis laid on the aristocratic family traditions of the priesthood (Ch. V, nn. 95 ff.).

The following are the only halakic elements that indicate anything like a discriminatory attitude:

1. The notion that converts are not included in the general obligation of the Torah and must be specifically enjoined to observe the different *mizvot*.[3]

2. The rule that in certain matters of precedence, the convert is inferior not only to the born Jew, but to the *mamzer* (Ch. V, nn. 15-17).

3. The principle that converts are not considered part of "the congregation of the Lord" and hence may marry *mamzerim* or castrates (*ibid.*, n. 83, 110). This view was challenged by R. Judah (*ibid.*, n. 84).

4. The exclusion of the convert from the kingship (a matter of pure theory) and from the judicial office (*ibid.*, sec. 27).

5. An opinion of R. Hisda which did not become halakah, appears to be discriminatory (*ibid.*, sec. 25).

6. The doubt expressed in some sources whether converts will be punctilious in handling the paschal sacrifice (*ibid.*, nn. 43-45).

On the other hand we may note the following elements which indicate an eagerness for proselytizing and a friendly attitude toward proselytes:

1. The rule that we must avoid discouraging prospective converts, particularly if we suspect them of an ulterior motive in converting (Ch. IV, n. 8).

2. The decision that converts must be accepted even though they come from hated peoples (*ibid.*, sec. 3).

3. Though properly the sacrifice of the convert should be an animal, we permit him to bring only a pair of fowls, in order to spare him expense (*ibid.*, n. 33).

4. R. Judah's view that a convert may say "God of our fathers" and may bring first fruits. The first of these points was certainly, the second possibly, accepted as halakah. The opposite views were not, however, motivated by hostility, but by a desire for accuracy in ritual matters (Ch. V, sec. 2).

5. The insertion of a special prayer for converts in the daily *Amidah* (*ibid.*, sec. 3).

6. The view that converts will be *too* careful in handling the paschal sacrifice (*ibid.*, nn. 43-45).

7. The attempt, albeit unsuccessful, of some Tannaim to permit a convert to use wine in his possession at the time of his conversion—so as to avoid financial loss (*ibid.*, sec. 9).

8. The permission to use a Torah scroll written by a convert who has apostatized under duress (*ibid.*, sec. 10).

9. The abrogation of the laws forbidding intermarriage with Ammonite and Moabite converts (*ibid.*, sec. 12).

10. The permission accorded to a convert to inherit from his heathen father, though legally he has no claim on the estate; and the Rabbinic approval of repaying to the sons of a convert the money owing to their deceased father (*ibid.*, nn. 158-162).

11. Bar Kappara's opinion that a convert should be permitted to collect the interest due on loans made before his conversion. This view did not prevail, but the opposing view of R. Jose, as explained, is not actually unfriendly, but rather intended to protect the convert against the suspicion of insincerity (*ibid.*, sec. 29, esp. nn. 208, 209).

12. The emphasis laid on the sinfulness of defrauding a convert (*ibid.*, sec. 30).

13. The extraordinary legislation to promote the conversion of slaves, and to safeguard their religious well-being even at great cost to their owners (Ch. VI, passim).

To these significant data, it should be added that the Mishnah and other halakic works stringently forbid the plaguing (*onaah*) of a convert, by reminding him of his former state or the sinfulness of his fathers. But since this is essentially an ethical rather than a legal matter, it will be treated in our aggadic section.

To sum up. The halakah contains only a few decisions that are in the slightest degree unfriendly toward converts, and these indicate a sense of distinction between native and foreign born rather than active dislike of the latter. On the other hand, there are a number of significant rulings that mirror a positive friendliness to converts and an eagerness to bring the heathen under the wings of the Shekinah. In large measure, indeed, the legal material on converts is not marked by bias in either direction. The very extent of this material is, however, some indica-

tion of the number of converts in the Talmudic period and of the importance attached to the question by the sages.

NOTES TO CHAPTER VIII

[1] It may also be that the Rabbis carried out the principle thus rigidly in order to protect the convert from the idolatrous contamination of his former associates; but they might equally have hoped that through contact with them, he would make additional proselytes. Nothing is said to my knowledge about special measures to prevent the re-infection of converts with heathenism.

[2] Ch. V, sections 5, 23-26, 30.

[3] *Ibid.*, nn. 3-10. It is by no means certain that this tendency reflects a hostile or unfriendly spirit.

PART THREE

THE AGGADAH REGARDING CONVERTS AND CONVERSION

CHAPTER IX

DIRECT STATEMENTS

1. Favorable to Converts. Rabbinic literature abounds in non-legal remarks about converts, most of them distinctly favorable in tone. There is an extended homily on the subject in the Mekilta;[1] and an entire parashah of the Midrash on Numbers is devoted to similar material from Amoraic sources.[2] In the present section we shall reproduce the statements found in these works and elsewhere which reflect an eager and friendly attitude. It is, however, impossible to classify this material very rigidly; and inevitably some of it which might well be included here will be found in other sections.[3] For the sake of clarity, the material from the lengthy aggadic passages will be broken into its component parts and presented in a more or less logical classification. Age and authorship of the statements will be indicated where possible. The material will be presented in fairly literal translation or (where the sources are diffuse) condensed paraphrase; the only liberties taken will be this condensation and the elimination of some of the numerous proof-texts. As a rule these statements speak for themselves without requiring any comment.

CONVERTS ARE AS DEAR TO GOD AS BORN JEWS. "Dear are converts, for in every place the Torah warns against (abusing) them."[4] "Dear are converts, for every term that is applied to Israel (in the Bible) is applied also to converts" —i.e., such terms as servants, ministers, friends, priests, as well as such concepts as covenant, favor, protection are used Biblically for both native and converted Jews. Moreover, Abraham and David applied to themselves the term *ger*.[5] "Dear are converts, for Abraham was not circum-

cised until the age of ninety-nine. Had he been circumcised at twenty or thirty, others would have converted only at less than twenty or thirty. Therefore the Holy One delayed in his case till he reached ninety-nine, in order not to shut the door in the face of converts who might come, to increase the reward of those who do His will; as it is said (Is. 42.21), 'It pleased the Lord for His righteousness' sake to make the teaching great and glorious.' "[6]

" 'Let not the stranger lodge outside' (Job 31.32). The Holy One does not disqualify a creature, but receives all. The gates are open at every hour, and anyone who wants to enter may enter. . . . Said R. Berekiah: To whom does this verse apply? (It means) that the proselytes are destined to be priests serving in the Temple [for it is said (Is. 14.1) 'and the stranger shall join himself with them and they shall cleave (*ve-nispehu*) to the house of Jacob,' and *venispehu* refers to the priesthood, as it is said (I S. 2.36), 'Put me (*sehafeni*), I pray thee into one of the priest's offices'], and they are destined to eat of the showbread in that their daughters will marry into the priesthood."[7] This view was expressed by R. Joshua to Aquila, in connection with the verse (Deut. 10.18) "He loveth the stranger, in giving him bread and raiment." "Bread," the Tanna explained, refers to the showbread, "raiment" to the priestly robes; for the convert's daughter may marry a priest, so that his grandson may minister at the altar.[8]

"Said the Holy One to the converts: Do you fear because I disqualified you and said concerning the paschal sacrifice (Ex. 12.43) 'there shall no alien eat thereof'?—Why do you not inquire about the Gibeonites, what goodness I did for them? . . .[9] If I did this for the Gibeonites who were Amorites, and who came out of fear, and who practiced guile on Israel—yet I received them and did them good and exacted justice on their behalf from My children—shall I not receive and exalt

converts who come out of love and serve My name? Therefore (Is. 56.3) 'Let not the alien that hath joined himself to the Lord speak, saying: The Lord will surely separate me from His people.'—These are circumcised converts, but idolaters are uncircumcised of heart." . . .[10]

"R. Abbahu began a discourse by citing (Hos. 14.8) 'They shall return, dwelling in His shadow.' (The text was understood in some such way).—These are the converts who come and take refuge in the shade of the Holy One. 'They shall grow like corn'—they shall become essential (*ikkar*), like Israel . . . 'and flourish like the vine'—as you may cite (Ps. 80.9) 'Thou didst pluck up a vine out of Egypt.' Another explanation: 'They shall grow like corn' in Talmud 'and flourish like the vine' in aggadah. 'His remembrance is as the wine of Lebanon.'—Said the Holy One: the names of converts are as dear to Me as the libation-wine that is offered before Me on the altar."[11]

There is a lengthy homily on Psalm 128, in which each verse is interpreted as a reference to converts. " 'Happy is every one that feareth the Lord.' It does not say 'happy is Israel, happy are the priests, happy the Levites' but 'happy is everyone that feareth the Lord'—this refers to converts who fear the Lord, who are called happy, just as it is said of Israel (Deut. 33.29) 'Happy art thou, O Israel.' . . . Of what sort of *ger* is this said? Of a righteous convert, not of those Samaritans, but of a proselyte who fears the Holy One and walks in His ways . . . 'When thou eatest the labor of thy hands, happy shalt thou be and it shall be well with thee.'—This refers to the convert who does not have 'the merit of the fathers.' He should not say: Woe is me; I have not the merit of the fathers. All the good deeds that I heap up will bring me reward only in this world. Therefore Scripture informs the convert that by his own merit he will enjoy both this world and the next.[12] 'Thy wife shall be as a fruitful vine.'—Though his wife be converted with him and be not of the daughters

of Israel, lo, she is just like the daughters of Israel (Ps. 80.9) . . . for she will merit sons. 'In the innermost parts of thy house.'—When she observes the Jewish religion and is chaste, she merits to have sons that know Bible and Mishnah and practice good deeds, as it is said, 'Thy children, like olive plants round about thy table.' . . . (Just as olive trees yield different types of fruit), so the children of proselytes include masters of Bible and Talmud, business men, wise and understanding individuals, who know a word in its season; and they have a seed that lasts forever . . . and from thy table they obtain high ranks. 'Behold, surely thus shall the man be blessed that feareth the Lord'—For so we find in the case of Abraham and Sarah, who were proselytes[13] . . . and so will proselytes be blessed who follow their example. 'The Lord bless thee out of Zion.'—This teaches that the Holy One blesses them from the same place from which he blesses Israel. 'And see thy children's children. Peace be upon Israel.'—Now is there peace on Israel just because the convert sees his grandchildren? But Scripture speaks here of the righteous proselyte who has the merit to marry his daughter to a priest and who merits thus that from her sons who are his grandsons, priests shall arise to bless Israel. . . . And so Moses hinted in the Torah; for after the section that prohibits defrauding a convert is written the section on the priestly benediction, to suggest that the convert who converts for the sake of Heaven merits to have descendants who shall possess the holy things."[14]

"Even proselytes, when they occupy themselves with the Torah, are accounted as equal to the High Priest, for it is said (Lev. 18.5) 'Ye shall therefore keep My statutes and Mine ordinances, which, if a man do, he shall live by them.'—Priest, Levite, or Israelite are not mentioned here, but man. Therefore (Num. 15.16) 'one law and one ordinance shall be both for you and for the stranger that sojourneth with you.'"[15]

"'And so I saw the wicked buried and they entered

into their rest.' (Eccl. 8.10)—This speaks of converts who come and repent (i.e. are first buried in sin, then find rest through penitence) . . . 'and they go from a holy place' —these are synagogues and schools. Another explanation of 'they go from a holy place'—from the same place whence Israel go, for Israel are called holy. 'And are forgotten in the city'—they cause their (former) evil deeds to be forgotten. Another explanation: they are praised (*yishtabehu* instead of *yishtakehu*) for their good deeds."[16]

"Our Rabbis say: Dear is the convert, for the Holy One had written of Himself (Jer. 14.8) 'Why shouldest Thou be as a stranger (*ger*) in the land?' Said the Holy One: Thus do I cherish the convert. And Abraham was a convert," etc.[17]

Highly interesting are the comments attached to an aggadah of R. Johanan. The latter held that mankind had been corrupted through the relations of Eve and the serpent. "When Israel stood at Mount Sinai, their filth ceased; but as the idolaters did not stand at Mount Sinai, their filth has not ceased." Hearing this, R. Aha b. Raba asked R. Ashe: What about proselytes? The latter replied: "Though they were not there (at Sinai), their destiny (*mazzal*) was there, as it is written (Deut. 29.14) 'with him that standeth here with us this day before the Lord our God and also with him that is not here with us this day.' "[18] The idea of R. Johanan, a variation of the idea of original sin, is outside our present concern[19]; it supposes that mankind is afflicted with a hereditary taint which only those who stood at Sinai and their descendants have escaped. Now R. Ashe will not admit that converts are to be thus stigmatized as defiled and spiritually inferior. Exactly what he meant by saying that the *mazzal* of converts was present at Sinai is far from clear; probably he would have been hard put to it to give a clear explanation of his own remark. The real point is that by this *pilpul* he swept away an invidious distinction.

Strikingly similar to these Rabbinic utterances are Philo's remarks about converts. The lawgiver has given them equal rank and honor with native Jews and bestowed on them the same favors.[20] Such men "we must look upon as our friends and kinsmen, since they display that greatest of bonds to cement friendship, namely a pious and God-loving disposition, and we ought to sympathize in joy with and to congratulate them."[21] Moreover, "those who come over to this worship become at once prudent and temperate and modest and gentle and merciful and humane and venerable and just and magnanimous and lovers of truth and superior to all considerations of money and pleasure."[22] "The proselyte who has come over, being lifted up on high by good fortune, will be a conspicuous object, being admired and pronounced happy in two particulars: in the first place because he has come over to God of his own accord, and also because he has received as a most appropriate reward a firm and sure habitation in heaven."[23] Philo also repeatedly stresses the obligation of native Jews to protect, befriend, and respect the convert.[24]

CONVERTS ARE *dearer* TO GOD THAN BORN JEWS. "R. Simeon b. Johai says: Lo, it says (Ju. 5.31) 'they that love Him shall be as the sun when he goeth forth in his might.' Now who is greater, he who loves the King, or he whom the King loves? You must say: he whom the King loves. And it is written (Deut. 10.18) '(God) loveth the convert.'"[25] "R. Eliezer says: When one comes to convert, lo, it is as if he did a kindness to all Israel, for so Saul says to the children of Jethro (I S. 15.6) 'for ye showed kindness to all the children of Israel when they came up out of Egypt.' Now is there anyone who could do kindness to all those thousands and myriads? But when he was converted among them and said (Ex. 18.10) 'Blessed be the Lord who hath delivered you out of the hands of the Egyptians,' it was as if he had done kindness with them

all."[26] "Dear are converts, for the Holy One adds to their name. For so you find with Jethro. At first he was called only Jether (Ex. 4.18), but when he was converted, he was called Jethro . . . When one is converted, he receives a reward as if he had labored in the Torah all his years, for it is said (Num. 10.29) 'Come thou with us and we will do thee good.' "[27]

"Said Resh Lakish: The proselyte who converts is dearer than Israel were when they stood before Mount Sinai. Why? Because, had they not seen the thunders and the lightning and the mountains quaking and the sound of the horns, they would not have accepted the Torah. But this one, who saw none of these things came, surrendered (*hishlim*) himself to the Holy One and accepted upon himself the Kingdom of Heaven. Could any be dearer than he?"[28]

"The Holy One loves converts greatly. A parable: to what is this comparable? To a king who had a flock which went out daily to pasture and returned at evening. Once a gazelle entered with the flock, joined the goats, and pastured with them. When the flock entered the sheepfold, it entered with them; when they went out to pasture, it went with them.—When the king perceived this, he loved it dearly. When it went out to the fields, he would order that it should have the choice pasture it wished, that no one should strike it, that all should be careful of it. When it returned with the flock, he would tell them: Give it water to drink.—They said to him: My Lord, how many rams, ewes and kids thou hast and thou never chargest us about them! Yet thou givest ordinance about this gazelle every day! The king replied: As for the flock, willy nilly, its way is to graze in the field by day and to sleep in the sheepfold at night. The gazelles sleep in the wilderness; it is not their way to enter human settlements. Shall we not be pleased with (lit., grateful to) this one, which has left the great broad desert and come to dwell in a yard?—Thus, we must be grateful to the convert who has left his

family, his nation, and all the peoples of the world and come to us. Therefore does (the Bible) give special care for him."[29]

THE DISPERSION OF ISRAEL WAS A DIVINE MEANS FOR THE INCREASE OF PROSELYTES. This is stated most plainly by R. Elazar: "The Holy One exiled Israel among the nations only in order that converts might be added to them, for it is said (Hos. 2.25) 'and I will sow her for Me through the earth.'—Does a man sow a *seah* unless (he hopes) to harvest many *kors*?—And R. Johanan derives (the same thought) from here: (*ibid.*) 'I will say to them that were not My people: Thou art My people.' "[30]

This statement of an early Amora is strikingly similar to these words from the beginning of the Baruch Apocalypse: "I will scatter this people among the Gentiles that they may do good to the Gentiles." (II Baruch 1.4) This work dates, according to Charles,[31] from the last half of the first Christian century, i.e. from the days of Johanan b. Zakkai and his disciples. (Later on in the book, ch. 41, the fate of apostate Jews is contrasted with that of converts: the latter are assured of everlasting life.)

In a late Midrash, more dramatic expression is given to the same idea. " 'A woman of valor who can find?' (Prov. 31.10) Scripture refers here to Israel. When Israel were settled in their land, they clave to idols: how much more now, when thou hast exiled them among the peoples!—What did the Holy One answer them?—I rely on My children that they will not leave Me and cleave to idols, but will sacrifice (*moserim*) themselves for My sake every hour. Nor will it suffice for them to sacrifice themselves for Me, but they will draw others near beneath My wings."[32]

That the tragedy of the exile, which is usually regarded in Jewish tradition as the bitter punishment of sin, should have been interpreted, even by a few teachers, as a method used by Providence for the increase of proselytes,

indicates how great was the importance attached by the Rabbis to the missionary movement. In addition to these extreme utterances, we also have aggadic passages which voice the hope of an ingathering of converts, without regarding this as the basic reason for the dispersion.

Thus the Tannaitic Midrash graphically depicts the Gentiles entering Palestine to trade, and visiting Jerusalem out of curiosity. Here they are greatly impressed by the fact that all Israel worship one God, and this by a uniform ritual; whereas the heathen have such a diversity of religious belief and practice. And so they declare: "It is fitting to cleave only to this people.—Whence do you infer that they do not leave there till they have been converted and have offered sacrifices and burnt offerings? The text says (Deut. 33.19) 'There shall they offer sacrifices of righteousness.' "[33]

So the later authorities. "Just as a sack full of nuts that is in your hand can still receive many sesame grains and mustard seeds, and can hold them all—so many converts have come and been added to Israel. That is what is written (Num. 23.10) 'Who hath counted the dust of Jacob?' "[34]

"A parable: to what is this like? To a king who had a son whom he loved exceedingly. What did the king? He planted him a park. When the son did the will of his father, (the latter) would travel through the whole world, and whatever fine plant he would see in the world, he would set in the midst of that park. But when (the son) angered him, he would cut down all his plants.—Just so, whenever Israel do the will of the Holy One, He sees who is righteous among the nations, and brings him and makes him cleave to Israel: for instance, Jethro and Rahab." . . . (But when they are disobedient, he takes away their choicest spirits.)[35] "R. Levi began by citing (Lev. 20.26) 'I have set you apart from the peoples.' R. Judan n. R. Hama b. R. Hanina and R. Berekiah n. R. Abbahu: If He had said: I have set the peoples apart from

you, there would have been no salvation (*tekumah*) for the peoples of the world. But 'I have set you apart from the peoples'—as one who picks the good out of the bad and repeatedly picks over it; but when he picks the bad out of the good, he does not pick over it again."[35a]

Finally, the converts are to be God's witnesses against the heathen on the day of judgment. The Gentiles will be unable to excuse their own shortcomings on the ground of ignorance, or because they were already so steeped in sin as to be beyond redemption: the example of the converts will justify their punishment by God.[36]

2. Protection of Converts. A large number of utterances, chiefly Tannaitic, warn the native Jew against harming or shaming the proselyte in any way. This matter is indeed regarded as one of legal import, and is mentioned in the Mishnah and other normative works. But since it is not susceptible of accurate legal control, we include it in this section.

"Just as grievance (*onaah*) may occur in commerce, so it may occur in speech. . . . No one should say to a son of converts: remember the deeds of thy fathers, as it is said (Ex. 22.20) 'and a stranger thou shalt not vex (*lo toneh*).' "[37]

A baraita, which opens similarly, continues: "If one sees a convert coming to learn Torah, he should not say: Look who comes to learn Torah! One who has eaten carcasses and torn things (*nebelot u-terefot*), reptiles and creeping things!—And so it says (I S. 10.12) 'And one of the same place answered and said: And who is their father?' (meaning): has anyone a father insofar as (learning) Torah is concerned? Is it not already said (Prov. 30.4) 'What is his name and what is his son's name, *if thou knowest?*' " etc.[38]

As indicated, a Biblical basis for this teaching is found in Exodus 22.20, where two expressions 'thou shalt not vex' and 'neither shalt thou oppress him' (*lo toneh, velo*

tilhatzemmu) are used. The question arose as to the exact application of these two verbs. According to our Mekilta, Nezikin 18, "vexation" refers to unkind words, "oppression" to taking financial advantage. But the Mekilta of Rabbi Simeon (p. 150) declares that both "vexation" and "oppression" can be practiced by word or deed. As to the exact delimitation of "oppression" and "vexation," this work does not give us a clue; nor is much light shed by a baraita which declares that one who vexes a convert transgresses three Biblical prohibitions, whereas he who oppresses him disobeys only two.[39]

The Mekilta on this verse contains an extended homily in behalf of proselytes, much of which we have already quoted. Directly pertinent to our present concern is the remark: "You should not say to him: But yesterday you were worshiping Bel, Kores, Nebo (cp. Is. 46.1) and until now swine's flesh was sticking out from between your teeth, and now you dare to stand up and speak against me! And how do we know that if you vex him, he can also vex you? It is said . . . 'for ye were strangers in the land of Egypt.' In connection with this passage R. Nathan used to say: Do not reproach your fellow man with a fault which is also your own."[40]

Very similar in character and language are the comments on Leviticus 19.33 f., which also warn us against reminding the convert of his past idolatries, in view of our own former status as strangers. Most striking is the statement "Just as 'thou shalt love thy neighbor as thy self' is said of Israel, so of the proselyte is said 'thou shalt love him as thyself.' "[41]

The later utterances on the subject are very similar to those just reviewed. "Resh Lakish said: Anyone who wrests the judgment of a convert is as if he had wrested the judgment of Him who is on high. For it is said (Mal. 3.5) 'And I will come near to you to judgment . . . that turn aside the stranger from his right,' which may be read: *u-matti* 'and turneth Me aside.' "[42]

"Why was the Torah given in the desert? To say that just as the desert is free (*mufkar*) to all men, so the words of the Torah are free to anyone who wishes to learn. Let no one say: I am a son of the Torah, for the Torah was given to me and my fathers; but you and your fathers are not sons of the Torah: your fathers were converts. Therefore it is written (Deut. 33.4) 'the inheritance of the congregation of Jacob,' (that is), of *all who congregate in Jacob.*"[43]

The proverb "Do not speak contemptuously of an Aramean (i.e., heathen) in the presence of a convert, even to the tenth generation"[44] seems to be expedient rather than religious in spirit. But altogether in tune with the material presented are various passages in Numbers Rabba 8 (especially paragraphs 1 and 3) in which great stress is laid on the heinousness of defrauding a convert, since Scripture devotes a special section to this purpose, and in every way indicates that one who defrauds a convert should be dealt with as severely as if he had defrauded a born Jew (Ch. V, sec. 30).

Philo's remarks on the subject are closely parallel to these opinions. The lawgiver commands that we should treat converts not only "with respect, but with especial friendship and excessive benevolence. . . . Those men who have left their country and their friends and their relations for the sake of virtue and holiness ought not to be left destitute of some other cities and houses and friends. But there ought to be places of refuge always ready for those who come over to religion. . . . Moreover he also enjoins his people that after they have given the proselyte an equal share in all their laws and privileges and immunities, on their forsaking the pride of their fathers and forefathers, they (the Jews) must not give license to their jealous language and unbridled tongues, blaspheming those beings whom the other body looks upon as gods, lest the proselytes should be exasperated at such treatment, and in return utter impious language

against the true and holy God. For from ignorance of the difference between them and by reason of their having from infancy learnt to look upon what was false as if it were true, and having been bred up with it, they are likely to err."[45] The last part of this passage reflects a latitudinarian attitude that was natural enough in a predominantly Gentile environment. The Rabbinic sources are not generally so tolerant. And yet, to the query "If there is no reality to idols, why does (Scripture) call them 'gods'?" R. Phineas b. Hama replied "In order to reward all those who forsake (idolatry). Said the Holy One: Though there was no reality in it, once a man forsakes it, I account it to him as if he had been worshipping something real, but then had come to Me."[46]

The number and vehemence of the utterances in defence of converts suggest that they were called forth by actual circumstances. The Rabbis would probably not have *devised* specific insults which we should *not* address to converts; undoubtedly they condemned unkind remarks which they themselves had overheard.[47] In part, however, the frequency of these protective remarks merely reflects the frequency of Biblical warnings against oppression of the *ger*. Some scholars saw in these Biblical repetitions a proof that converts were especially dear to God (above, n. 4); but others interpreted this phenomenon in a less favorable way (below, nn. 63 ff.).

3. Adverse to Converts. Beyond question, Talmudic literature contains hostile remarks about proselytes. But undue importance has been given to them by many writers on this subject. In contrast to the pages and pages of friendly utterances presented in the two preceding sections (which we have in many cases condensed or summarized), we can find only four passages in the entire literature which are unfavorable without any reservation. Two of them are Tannaitic, two later. Significantly, only one of the four passages is altogether clear as to meaning.

(Opinions in which friendly and unfriendly elements are joined are treated in the next section.)

"Converts and those who play with children delay (the coming of) the Messiah."[48] What this means is quite dubious. A variant form[49] reads: "Converts and onanists delay," etc.; but the Gemara explains "those who play with children" to mean "those who marry immature girls." In any case, the baraita seems to mean that those who direct the reproductive instinct into abnormal channels delay the Messiah, for according to one view, the deliverer cannot come until all the souls who have been created have been provided with bodies.[50] But what converts have to do with all this is exceedingly doubtful. Kasdoi (p. 292) refers to certain groups who despairingly advocated race suicide after the downfall of the nation[51] and supposes that converts in their excessive zeal might have been attracted to such an ascetic tendency; but this is mere guesswork. The passage remains obscure.

"R. Hananiah b. R. Gamaliel says: Why are converts in this time afflicted and overwhelmed by troubles? Because they did not fulfill the seven Noahide commandments (before they were converted).—R. Jose says: A convert is like a new-born child! (Hence they cannot be punished for previous offences. See Ch. V, n. 12.) But why are they afflicted? Because they are not conversant with the details of the commandments as are Israel.—Abba Hanan n. R. Elazar says: Because they do not act out of love, but out of fear.—Others say: Because they delayed entering beneath the wings of the Shekinah."[52] In Gerim 2.6, 7 a variant and in some respects less correct form of this tradition is found. R. Jose holds that converts are punished for prior misdeeds, and R. Judah replies that a convert is like a day-old child. R. Hanina b. Gamaliel holds that converts are afflicted "because they calculate a year or two ahead: When I collect my debts and attend to my deeds, I will convert.[53] Said R. Jose to him: If they were punished by loss of money, I should agree with you.

But that they bury their children and grandchildren, and that evil diseases and afflictions come upon them—why should they be so harshly afflicted? Because they (previously violated) the seven commandments which the Noahides were commanded."

"Said R. Isaac: What means the Scripture (Prov. 11.15) 'Evil shall befall him that mingleth with a stranger'? (So R. Isaac understood the verse.)—Evil after evil comes on those who receive converts."[54]

"Said R. Helbo: Proselytes are as hard on Israel as leprosy (*sappahat*, Lev. 13.2) as it is said (Is. 14.1) 'and the stranger shall join himself with them and they shall cleave (*venispehu*) to the house of Jacob.'"[55]

This last statement, which happens to be repeated five times, has often been quoted as *typical* of the Rabbinic attitude. Not only the prejudiced Christian authors, but such Jewish scholars as Friedlaender (p. 32), Ginzberg (*Unbekannte jüdische Sekte*, p. 125), and Jellinek (*Eine alte Schutzrede*, beg.), have cited this as representative of at least one phase of Rabbinic Jewish opinion. Let us see if this view is valid.

First, it should be noted that the point of the remark is by no means certain. In the commentary of Rashi and the Tosafistic collections to the four Talmudic passages, no less than seven different explanations are given as to why converts are a plague: 1, because they retain some of their idolatrous habits, which contaminate Israel; 2, because they are not expert in the details of the commandments and Israel learn their careless ways; 3, because they intermarry with Israelites, whereas the Shekinah rests only on Jews of unmixed and untainted descent (*meyuhasin*); 4, because we are subject to heavy penalties for hurting them, (above, sec. 2) but it is impossible to avoid doing so invariably; 5, because their great piety causes God to judge harshly the native Jews who are less zealous (in Tos. ad Kid. 70b, this is ascribed to *R. Abraham the Convert*); 6, because it is to make converts that we have been

dispersed (above, n. 30); 7, because the burden of Jewish mutual responsibility is still further increased by the addition of converts. The last two interpretations are rejected; but this still leaves us with wide variation. Moore even suggests (Vol. I, p. 347) that R. Helbo may have been chiefly interested in the pun which he adduced as the basis of his saying. At any rate, the only thing we can be sure of is that R. Helbo's remark is unfriendly in tone, but its reason and bearing are most vague, as is the case also with R. Isaac's saying.

Lévi has discussed this *memra* at length (pp. 5-7), and has pointed out that only in Kid. 70b has it any real connection with its content. In the other three places the attempt is made to illuminate a puzzling passage by supposing that it is in accord with R. Helbo's saying—but this is not necessarily so. Lévi adds that R. Helbo's saying is not found in any Palestinian source. His pupil, R. Berekiah, who constantly reported his sayings,[56] has an entirely different and highly favorable explanation of Is. 14.1 (above, n. 7). Nor does the five-fold repetition of Helbo's saying prove that it was generally accepted. Samuel's famous dictum that the Messianic era will be merely a time of political independence[57] is quoted six times in the Talmud: yet the prevailing Jewish opinion certainly inclined to a supernatural Messianism.

In short, R. Helbo's saying is the opinion of an individual and a most atypical one. He was not the only scholar who was hostile to converts, but such were very few. R. Isaac, to whom one of the adverse comments is ascribed, elsewhere expresses his disappointment that converts do not come to us of our own accord.[58]

The clearest of our citations attempts to explain the misfortunes that come upon proselytes. We would have expected them to be peculiarly happy, in reward for their special piety! When this is not the case, we cannot put the blame on God: it must be the fault, in one way or another, of the converts themselves.[59] But this passage in no

way suggests that proselytism is undesirable from our standpoint and should be discouraged.

The other three passages, which seem to deprecate conversions, are as we have seen, vague and uncertain as to their purport.

To these passages we may add that the advice given by Rabbi to his sons[60] "do not sit on the bed of an Aramean woman" was explained by some authorities to mean "do not marry a convert." But this interpretation is dubious.

Bertholet has found an ungracious attitude toward converts in the phrase "A native on the ground and a stranger in the highest heavens!"[61] This is taken to mean that the Rabbis could not abide a convert attaining to distinction. But on examination the phrase proves to be an idiom meaning "this is the opposite of what might have been expected." It is used in dialectic passages which have nothing to do with converts (Lévi, p. 12); and in this passage *giora* means foreigner rather than convert (So Jastrow.).

By contrasting Ez. 37.27 with Jer. 30.21-22, Rabba b. R. Hana concluded that native Jews are on a higher plane than converts;[62] but this is an expression of national pride, not of positive ill will toward proselytes.

4. Mixed Opinions. The reader may have looked in the preceding section for certain familiar Rabbinic utterances that are usually understood as antagonistic to proselytes. On examination, this antagonism appears to be limited or modified, and we have therefore set aside a special rubric for these "mixed" opinions.

Whereas some Rabbis saw an indication of God's great love for the convert in the frequent Biblical injunctions against wronging him, R. Eliezer the Great had a different view. "Why," he asks, "does the Torah warn us (against mistreating) the convert in thirty-six passages (and some say, forty-six passages)? Because his nature is evil."[63]

This has often been cited as evidence of R. Eliezer's dislike of proselytes, especially since he explained the words

'thine enemy' (Ex. 23.4) as referring to a proselyte who has returned to his evil nature.[64] But the point is, that R. Eliezer *did not want* converts to relapse. What he means is that because the convert is probably weak in his loyalty to Judaism, and may be driven back to heathenism if we treat him unkindly, Scripture takes particular pains to warn us against injuring him. While the passage reflects a poor opinion of proselytes, it is far from indicating a disapproval of proselytization.[65]

This point, which has been made by Lévi (p. 9 f.), receives additional confirmation from a later reworking of R. Eliezer's remark: "Said R. Judah b. R. Shalom: You find that the Torah warns us forty-eight times against (mistreating) converts, and correspondingly warns us against idolatry.—Said the Holy One: It is enough for him that he has left his idolatry and come to Me (some texts read: to you); therefore I warn you concerning him, for I love him, as it is said (Deut. 10.18) 'and He loveth the stranger.' "[66]

"R. Hiyya said: Do not trust a convert for twenty-four generations, for he retains his leaven (i.e., his evil predilection); but when he receives the yoke of Heaven upon him out of love and fear and is converted for the sake of Heaven, the Holy One will not let him backslide, for it is said (Deut. 10.18) 'and He loveth the stranger.' "[67]

This statement plainly indicates that R. Hiyya doubted the sincerity of the average convert, although he approved of conversion where there was no ulterior motive. Christian scholars have created a wrong impression by citing only the first part of the saying.[68]

Similar to the attitude of R. Hiyya is that ascribed to R. Isaac in the Midrash to Ecclesiastes:[69] "(That the heathen repent and convert) is not vanity; but this *is* vanity, that they do not come of their own accord. R. Bun says 'The righteous go thither and come'—for instance, Joseph to Asenath, Joshua to Rahab, Boaz to Ruth, Moses to Hobab." If R. Bun's remark is to be connected with

that of R. Isaac, it serves to illustrate the fact that converts do not come of their own initiative, but must be sought out. (The example of Ruth is ill chosen.)

It appears then that these "mixed" opinions are the expression of teachers who were favorable enough to proselytization in theory, but who were dubious about the deep religiosity of the converts who were actually received in their own time. We have already considered the legal aspects of insincere conversion, and found that while many Rabbis wished to exclude all those who sought to convert for an ulterior purpose, the halakah makes no such discrimination (Ch. III, sec. 2). The aggadah, however, utilizes this theme in an interesting manner.

"The Rabbis taught: We shall not receive converts in the days of the Messiah. Similarly, they did not receive converts in the days of David or in the days of Solomon. (Tosafot *ad loc.* cites a ms. which adds "but they became self-made proselytes.").—Said R. Elazar: What is the Scriptural warrant for this? (Is. 54.15) 'Lo, one may convert, not with Me; he who converts with thee shall fall in thy lot,' that is one who converts when thou art in affliction shall fall into thy future blessed lot, but not others."[70] The rendering of the Bible verse is required by Elazar's interpretation; the phrase "not with Me" means that converts are acceptable only when God is not with Israel.[71]

Elsewhere this baraita is quoted in contradiction to R. Jose's statement that in the future all the idolaters will be converted. The Gemara harmonizes the two opinions thus: "They will become self-made proselytes (*gerim gerurim*) and will put phylacteries on their heads and arms, fringes on their garments, and *mezuzot* on their doors. But when they see the wars of Gog and Magog, they will ask them (the latter): Against whom do you come?—They will reply: 'Against the Lord and against His anointed.' (Ps. 2.2) Then each (of the converts) will tear off his *mizvah* and depart, as it is said (*ibid.*, v. 3) 'let

us break their bands asunder and cast their chains from us.' And the Holy One will sit and laugh, as it is said (v. 4) 'He who sitteth in heaven doth laugh, the Lord mocketh them.' "[72]

Many other scholars hoped, with R. Jose, for the ultimate conversion of all the heathen, basing themselves on the Biblical promise (Zeph. 3.9) "For then I will turn to the peoples a pure language, that they may all call upon the name of the Lord, to serve Him with one consent."[73] This difference of opinion is even reflected in a halakic controversy. The question is with regard to the benediction to be recited in a place from which idolatry was uprooted, which concludes with the words "bring back the heart of their worshippers to serve Thee." Some Tannaim held that outside of Palestine, this last sentence may be omitted, since the majority of the people are pagans; R. Simeon b. Elazar however insisted on the formula even in the Diaspora, because the pagans will be converted in the future.[74]

In a fragment from a lost Midrashic work, converts are classified differently according to their motives. "There are three sorts of converts. There is the one who converts for the sake of food. To him the Holy One says: You converted for the sake of a carcass; lo, it is given to you, as it is said (Deut. 14.21) 'to the stranger that is in thy gates shalt thou give it.' The second convert (comes) in order to be supported like a poor man—it is given to him, as it is said (Lev. 23.22) 'and when you harvest the harvest of your land, thou shalt not fully reap the corners of thy field, etc., thou shalt leave them to the poor and the stranger.' The third convert is he who converts for the sake of the Holy One. Of him the Holy One says: He is as important to Me as one of them (Israel), as it is said (Num. 15.15) 'In the congregation there shall be one statute for you and for the stranger,' etc. And further, he is as important to me as the Levite, for it is said, 'and the Levite shall come,' etc. (Deut. 14.29, i.e. in the same chap-

ter which provides food for the convert.) Said Moses before the Holy One: Master of the World! Does this convert mean as much to Thee as the Levite? He replied: He is important to Me because he converted for My sake."[75]

This passage is immediately followed by the parable of the sheep and the gazelle (above, n. 29), a fact which sufficiently indicates the kindly motivation of the passage, even though it speaks with a certain contempt of those who are converted for material considerations.

We may conclude this chapter with the categorical statement: The aggadah, both Tannaitic and Amoraic, Palestinian and Babylonian, is overwhelmingly favorable in its statements regarding converts and conversion. It contains passage after passage in praise of converts, urging for them equal and friendly treatment, asserting that they are particularly near and dear to God. The exceptions are few. Only four statements expressing direct hostility to converts were found; and three of these are obscure as to purport and application. A few others are directed, not against converts as such, but against insincere proselytes. These exceptions are of limited significance. Moore states: "Speaking generally, the tone of the utterances about proselytes is friendly, though not unduly enthusiastic." (Vol. I, p. 342.) The material we have here presented justifies us in regarding Moore's summary as a decided understatement.

NOTES TO CHAPTER IX

[1] Mek. Nezikin 18 on 22.20, much of it reproduced with variants in Gerim 4 and Mishnat R. Eliezer pp. 300-308. (Mishnat R. E. also contains statements found in no other source.) Lévi, p. 23 and in *REJ*, Vol. 50, p. 5, thinks this passage is part of a missionary sermon. But more probably it was addressed to Jews; cp. below, n. 40.

[2] Num. R. 8.

[3] See, e.g., n. 66.

[4] Mek., *loc. cit.*, and see sec. 2.

[5] Mek., *ibid.*, Gerim 4.3, Num. R. 8.2, Mishnat R. E. p. 300.

[6] Mek., Gerim, Mishnat R. E., *ibid.*, Gen. R. 46.2; Tan. B. Lek Leka 24; Tan. N., *ibid.*, 17x. Cp. Gen. R. 48.2.

[7] Ex. R. 19.4.

[8] *Ibid.* (no mention of R. Joshua in this source), Gen. R. 70.5, etc. See Ch. XI, n. 78. On the marriage of a priest with a convert's daughter, see Ch. V, sec. 13. This was the only way in which the Rabbis could harmonize Is. 56.6 f. with the whole priestly tradition.

[9] On the Gibeonites, see Ch. X, sec. 10.

[10] Ex. R., *ibid.* More briefly, Tan. B. Bemidbar 31; Tan. N., *ibid.*, 25; Num. R. 5.3.

[11] Lev. R. 1.2; what follows explains that Lebanon is a name for the Temple. Num. R. 8.1, with variants and a conclusion pointing out that restitution for fraud must be made to a convert exactly as to a Jew (Ch. V, sec. 30). Jellinek, "Eine Alte Schutzrede auf Proselyten," expounds this passage homiletically, but with a fine understanding of its spirit. His account of the background of the sermon is inaccurate: see Ch. XIII, n. 12.

[12] On the interpretation of this v., cp. Abot 4.1.

[13] Ch. X, sec. 1.

[14] Num. R. 8.9. See n. 8. On "fearers of heaven" as a designation for proselytes, see Ch. VII, sec. 3.

[15] Tan. N. Vayakhel 8.

[16] Tan. B. and N. Yitro 1; Eccl. R. 8.10. Cp. Tillim 1.18. For the rest of this homily, see n. 58. In Tan. B. Yitro 2 and Tan. N. *ibid.*, 3, Cant. 1.3 is applied to converts.

[17] Tan. B. and N. Lek Leka 6.

[18] Sab. 145b-146a.

[19] See Kohler, *Jewish Theology*, p. 193.

[20] *De Monarchia* I 7; Yonge, Vol. III, 186.

[21] *De Poenitentia* I; Yonge, *ibid.*, 454.

[22] *Ibid.*, II; Yonge 455.

[23] *De Execrationibus* VI; Yonge, *ibid.*, 491. Cp. n. 12.

[24] See n. 45.

[25] Mek. Nezikin 18 on 22.20; Mishnat R. E. p. 302. Cp. the assumption (Gen. R. 53.14) that Hagar was especially dear to God because she was a convert.

[26] Mishnat R. E. p. 303 f.

[27] *Ibid.*, p. 304.

[28] Tan. B. and N. Lek Leka 6. See next n.

[29] Num. R. 8.2. The diffuse language has been condensed in translation. Tillim 146.8 (a later addition); briefer, Debarim Zutta in Yalk. Ex. 12.49 remez 213 (where the reference is incorrect) and Yalk. Lev. 23.22 remez 645. Mishnat R. E., p. 303 gives a simi-

lar parable, in which a shepherd especially loves a sheep that joined his flock of itself, while the others were bought and paid for. It closes with a reference to the revelation at Sinai like that found in previous n. In Tillim 18.34, David says that native Jews are stubborn and unwilling to admit the truth; but the Gentiles, "once they are converted, are near to repentance."

[30] Pes. 87b.

[31] *Apocrypha and Pseudepigrapha,* Vol. II, p. 470.

[32] PR 35.160a.

[33] Sif. D. 354, Mid. Tannaim p. 218-9 ad v. Cp. the story, Gen. R. 98.12, that converts were attracted by the marvellous fruits grown by the tribe of Issachar.

[34] Cant. R. 6.11.

[35] p. Ber. 2.8.5c top, in a funeral sermon of Resh Lakish; Cant. R. 6.2, R. Samuel b. Nahman; Eccl. R. 5.11, R. Berekiah mentions also Ruth and Antoninus. Strictly speaking, Jethro and Rahab were not righteous prior to their conversion: Ch. X, nn. 56, 101. Cant. R. 5.16, R. Aha proves from Lev. 20.26 that God is eager to receive penitent Gentiles.

[35a] PRK Bahodesh ‡72 f., PR. 15.69b. Similarly Cant. R. 5.16, which concludes: Said R. Aha: Hence we learn that the Holy One told the peoples of the world to repent and He would bring them beneath the arms of the Shekinah. So Num. R. 10.1. Tan. B. Vayeze 22, more verbose, mentions only R. Abbahu. Menorat HaMaor, ed. Enelow, Vol. IV, p. 323, gives this aggadah in the name of the Tanna, R. Hanina b. Antigonos.

[36] p. RH 1.3.57a, Samuel; PR 35.161a, R. Hanina b. Papa; *ibid.* 40.17b, Tillim 9.11, R. Alexander. In different form, SER (6)7.35, Lev. R. 2.9, on which see above, Ch. IV, nn. 9 ff., Ps-Jon. Gen. 9.27 finds in Noah's blessing on Japheth the hope that his descendants will be proselytes in the academies of Shem.

[37] m. BM 4.10. Cited with variants, PR 42.174b-175a; Tan. B. Vayera 32; Tan. N., *ibid.*, 14. See next n.

[38] t. BM 3.25, which also states that vexation in speech is more serious (or perhaps more frequent, *merubbah*) than in money matters. In somewhat different form, b., *ibid.*, 58b. In Sifra Behar perek 4 on 25.17, the convert who seeks to learn is not mentioned.

[39] BM 59b bot. The Gemara finally decides that both "vexation" and "oppression" are forbidden by a threefold prohibition. Sif. D. 281, Mid. Tannaim p. 160 on 24.17 state that he who wrests the judgment of a convert transgresses two prohibitions.

[40] See nn. 1 ff. See Lauterbach's n. 2. Variants, Gerim 4.1; Mishnat R. Eliezer p. 302, R. Hiyya. A similar interpretation of the second part of the verse, MRS, *ibid.*, where *oto* should no doubt be read for *oti.*

[41] See Sifra Kedoshim perek 8 to these vv. The last passage, Mishnat R. Eliezer, p. 303.

[42] Hag. 5a.

[43] Tan. N. Vayakhel 8. Similarly, Tillim 1.18. For the rest of this homily, see n. 15.

[44] Sanh. 94a.

[45] *De Monarchia* I, 7; Yonge, Vol. III, pp. 186 f. Cp. Ex. 23.13. Similarly, *De Poenitentia* I, above n. 21, and *De Caritate* XII and XIII; Yonge, *ibid.*, p. 435 ff.

[46] Deut. R. 2.18. See Bacher, *APA*, Vol. III, p. 320.

[47] See Ch. XI, n. 7.

[48] Bar. Niddah 13b.

[49] Kallah Rabbati, Ch. 2.

[50] Yeb. 62a bot., 63b; AZ 5a; Niddah and Kallah Rabbati, *ibid.*

[51] BB 60b bot.

[52] Bar. Yeb. 48b. R. Abbahu (or Hanina) finds Biblical support for this in Ruth 2.12, implying that Ruth hurried to convert.

[53] Cp. above, Ch. V, sec. 29.

[54] Yeb. 109b. Tosafot would limit this to *hastily* received converts.

[55] Yeb. 47b; 109b; Kid 70b; Nid. 13b; Kallah Rabbati 2.

[56] Bacher, *APA*, Vol. III, p. 348.

[57] Ber. 34b, etc.

[58] Eccl. R. 8.10; see n. 16. But the printed text of Eccl. R. is too unreliable for us to draw positive conclusions. The reading *R. Yizhak* may be due to an incorrect solution of the abbreviation *R. Y.*

[59] A more recent *pilpul* (which I owe to Rabbi Samuel Wohl) explains wittily why a *ger* is always unfortunate, while Jews who convert to the dominant religions are most successful: the apostate has a Jewish head and Gentile *mazzal*, the *ger* has a *goyish* head and Jewish *mazzal*!

[60] Pes. 112b; in Ber. 8b, ascribed to Raba.

[61] Erubin 9a; Yoma 47a; BK 42a.

[62] Kid. 70b, bottom.

[63] bar. BM 59b bot.; Mek. Nezikin 18 on 22.20; MRS p. 156 on 23.9; Gerim 4.2 (R. Eliezer b. Jacob); Ruth Z. 1.12, anon. The texts vary as to the number of Bible verses involved, and in other details. Higger's translation of *soro* by "his original environment" (p. 54) is incorrect. See Jastrow, p. 969b.

[64] Mek. Kaspa 2. Similarly, Mid. Tannaim, p. 118. See, e.g., Bacher, *AT*, Vol. I, part 1, p. 80 f.

[65] According to Mishnat R. E., p. 302, the avoidance of idolatry and the observance of the Sabbath are commanded 48 times in the Torah; this indicates the importance of protecting converts, which

is mentioned equally often. See next n. R. Eliezer's attitude toward converts is discussed fully, Ch. XIII, nn. 26 ff.

[66] Tan. B. Vayikra 3, Tan. N., *ibid.*, variants. The first part only, OM 56ob bot. (Midrash Sh'ne Ketubim).

[67] Ruth Z. 1.12; Yalk. Ruth 601. PPE 29.208 warns us against trusting a convert till seven generations have passed, "that the waters should not return to their source." PR 22.11b warns against trusting a convert for 22 generations, and illustrates the point with the story of a dishonest couple who relapsed when the insincerity of their conversion was disclosed. See Friedmann's n. 32. Ishmael b. Nethaniah, the murderer of Gedaliah, is described as a descendant of the convert Atarah, but the point is not very clear. See p. Sanh. 2.3.20b, Hor. 3.7.48b bot.; G VI, p. 407, n. 93.

[68] See Levi, p. 9, correcting Bertholet and Renan.

[69] Eccl. R. 8.10; see above, n. 58.

[70] Yeb. 24b.

[71] On converts in the days of David and Solomon, see Ch. X, sec. 10, 11.

[72] AZ 3b. Briefly, R. Hoshayah, p., *ibid.*, 2.1.40c. Cp. R. Simlai's famous aggadah, AZ 2a-3a.

[73] E.g., Tan. B. Vayera 38. In AZ, *loc. cit.*, Rab declares that in the future the Noahides will receive thirty commandments.

[74] bar. Ber. 57b bot.; t., *ibid.*, 7 (6).2 (prints only, mss. briefer), R. Simeon b. Elazar; p., *ibid.*, 9.2.13b, where Luncz reads as in t. Ruth R. 3, beg., fragmentary. A somewhat similar controversy, AZ 24a bot.

[75] Deut. Z. in Yalk. Ex. 12.49 (remez 213), text corrupt; Yalk. Lev. 23.22 (remez 645). The first classification is, of course, the *ger toshab*, on whom see Ch. VII, sec. 2. Similar in content, but not in language, is OM 561a (Midrash Sh'ne Ketubim), which counts four classes of converts. A third variation is found in SER (29)27.146, classifying converts as those comparable to Abraham, those comparable to an ass (who convert in order to marry a Jewess) and those like a Gentile in every respect. The passage is somewhat confused, but appears to be sympathetic even toward the less noble type of proselyte.

CHAPTER X

AGGADOT CONCERNING PROSELYTES IN BIBLICAL TIMES

In addition to the abundant material we have just presented, in which the Rabbis express directly their opinions about the proselyte question, there are innumerable narratives in the literature dealing with converts. In the next section we shall consider reports of such proselytes as lived in the Talmudic era; the present chapter will deal with tales about converts in Bible days. In some cases, these aggadot are merely an expansion of a tolerably complete Biblical story: Ruth, for example, is represented in the Bible as a convert. But in many cases the Rabbis represent as converts Biblical figures concerning whom Scripture does not give the slightest hint of the sort. The volume of this material is so amazingly large and its general tone so unmistakable, that it constitutes an important factor in the proof that the Rabbinic attitude toward converts was highly favorable.

This very bulk precludes the possibility of extended quotation of the sources. Moreover, the variant forms of the different legends and similar matters do not affect our purpose. We shall therefore summarize the stories, citing directly only passages of special importance. The references to sources will be as complete as possible wherever material germane to our theme is presented; in addition, the reader will be referred in every case to the treatment of the subject in Dr. Ginzberg's *Legends of the Jews*, as well as to monographs on individual topics. Material that has only incidental bearing on our investigation will be cited less fully, chiefly by reference to Ginzberg.[1]

Samples of this material have been presented by Lévi (pp. 17 ff.) and Kasdoi (pp. 237 ff.). The ensuing chapter

is, to my knowledge, the first attempt to assemble—at least by reference—all the pertinent material. As stated, it is only an *attempt*.

1. Abraham, Sarah. As the Jewish people and the Jewish religion, according to tradition, began with Abraham, so with him began proselytization and missionary effort. In the aggadah Abraham is represented in a double aspect, as the type and pattern of converts, and as the missionary and seeker of converts.[2]

A) AS CONVERT. The sources differ as to when Abraham first recognized the true God, some authorities holding that Abraham's enlightenment occurred in early childhood, others that it happened only at the mature age of forty-eight.[3] He came to recognize God by observing the forces of nature and meditating upon them. At first he supposed that the sun or the stars or some other natural power was God, but observing that none of these was supreme, he came to recognize behind all these phenomena a single all-powerful and controlling Being.[4] In all probability this story mirrors one of the approaches employed by Jewish missionaries. The argument from design must have often been used in proof of monotheism.

Abraham was also the first to submit to circumcision. The aggadah makes much of his courage in doing so. For he was reluctant to create a distinction between himself and other men which might evoke their hostility. Nevertheless in obedience to God's command, he circumcised himself in broad daylight so that the heathen might not later allege: Had we known about it, we would have prevented him.[5] Certainly these stories reflect the disfavor in which the rite was held in many quarters of the Gentile world in the days of the aggadist (as many classical and Hellenistic writers testify). Perhaps they were even addressed to converts, as much as to say: Your present scruples and fears were already experienced and overcome by Abraham, the fountainhead of Judaism.

Abraham's circumcision was postponed till he was ninety-nine years old in order that no later candidate for conversion should regard himself as too old to submit to the rite, "in order not to close the door to converts."[6]

Abraham is therefore regarded as the father of converts (above, Ch. V, sec. 2) a title which is due him not only as the first proselyte, but as the first who tirelessly and indefatigably sought to bring others near to God.[7]

B) AS MISSIONARY. From the very moment when he himself recognized the true nature of God, Abraham sought to convey his belief to others, to his own family and to those about him. Early this brought him into difficulty, for his monotheism was an open challenge to the claim of Nimrod that he was a god. For this presumption, Abraham was cast into a fiery furnace, but God saved him by a miracle. As a result, the Chaldeans were forced to recognize the truth of his teachings; and according to some accounts, even Nimrod recognized the greatness of Abraham's God.[8]

During these early days in Ur, Abraham also attempted to undermine the respect which people accorded to idols. The stories of how Abraham conducted his father's image-shop hardly need repetition.[9] The ridicule heaped by Abraham on the images dramatizes a method which the Jewish missionaries must often have utilized.

It is worthy of note that the old woman, who came to Abraham's shop to replace a stolen idol, and whom he convinced that an idol that could not protect itself against kidnapping was unworthy of worship, became in her turn an ardent missionary, made many converts, and ultimately died as a martyr.[10]

In the years that followed these stirring events, Abraham continued to seek converts, especially after the family had left Ur and settled in Haran. In this Sarah assisted him worthily. The phrase "the souls which they had gotten (lit. made), in Haran" (Gen. 12.5) is generally understood as referring to converts. If all the inhabitants

of the world gathered together, they could not create so much as a mosquito. How then could Abraham and Sarah have "made" souls? But this indicates that when one converts a heathen to the worship of God, it is accounted to the missionary as if he had actually created a new being. Abraham converted the men, Sarah the women.[11]

Indeed, when God summoned Abraham to leave Haran, the patriarch was concerned that people might say: "He is striving to bring men beneath the wings of the Shekinah, yet he deserts his old father."[12] Reassured on this point by God, he set out for Palestine; and hardly had he entered the land when he began to make converts.[13] The Gentiles, who were as if sunk in sleep, were awakened by Abraham to the service of God.[14] In considerable measure, these ends were served by Abraham's famous and unreserved hospitality to strangers. His tent, open to four winds, the beautiful grove he planted by, the abundance of food and drink he pressed upon travellers and the clothing he bestowed on the ill clad, and his zeal which led him to invite even those who did not seek shelter are familiar elements in Jewish legend. Now it was Abraham's custom, when his guests thanked him for their reception, to decline the thanks, and instead bid them give praise to God, the true author of their well-being.[15]

Later Jewish legend tells that the oak of Abraham withdrew its shade from idolaters, so that he knew at once those in need of his missionary efforts.[16] Apparently there is no authentic Rabbinic source for the remarkable story concerning an aged idolater, who resisted all of Abraham's efforts to convert him, and who was at length denied shelter by the indignant patriarch. Whereupon God rebuked Abraham for his intolerance. "I have borne with this man's idolatry seventy years," He said, "could you not endure it for a single night?"[17]

The results of Abraham's teaching were particularly manifest at the time when Lot was taken captive by the four kings who attacked Sodom. Those who joined with

Abraham for the rescue were disciples of his, who were all named "Abram," obviously because they were converts.[18]

As might have been expected, Abraham was concerned with the welfare of his slaves. Hagar was freed before her marriage to Abraham, and had indeed been previously taught the ways of righteousness.[19] Eliezer likewise received his freedom as a reward for carrying out successfully the arrangements for Isaac's marriage.[20] According to one work, however, the slaves whom Abraham circumcised as a matter of ritual obligation did not remain true to their master's religion.[21]

When Abraham wanted a wife for Isaac, he argued that any woman whom he would choose would have to be converted, so that he might as well select someone of his own stock.[22]

Somewhat different is a legend to which we have already had occasion to refer (Ch. VII, n. 17, 18), concerning the Gentile children suckled by Sarah. To the feast of the circumcision of Isaac, Abraham invited a great number of guests with their wives and infants. By a miracle, Sarah was able to nurse all these children, thus setting at rest the report that Isaac was a foundling. Those children whose mothers brought them to Sarah in a reverent spirit became "fearers of Heaven"[23] or proselytes[24]; those who were brought to Sarah with cynical intent to embarrass her became mighty rulers. (Gen. R.)

To this material, in which proselytism and proselytes are specifically mentioned, it should be added that the aggadah constantly speaks of Abraham as the one through whom God's name and power were first known in the world. One sample will suffice. "Were it possible to say so, before Abraham our father came into the world, the Holy One was king only over heaven, as it is said (Gen. 24.7) 'the Lord God of heaven who took me' etc. But after Abraham our father came, he made him King over the heaven and the earth, as it is said (*ibid.*, v. 3) 'and I

will make thee swear by the Lord the God of heaven and the God of earth.' "[25]

Since Abraham is thus represented as the witness and missionary of God, and as discharging this duty with the greatest zeal, it is the more amazing to find Abraham condemned in a few places for not doing enough in this direction. When Abraham defeated the four kings and brought back all the captives and property which they had carried off, the king of Sodom said to him "Give me the persons and take the stuff for thyself," (Gen. 14.21) and while Abraham refused any material reward, he did accede to the first request. According to R. Johanan he should not have surrendered the prisoners, but should have kept them and taught them his religion. "He barred people from entering beneath the wings of the Shekinah"; and that is why Abraham himself was subjected to trials and why his descendants were enslaved in Egypt.[26] Abraham is also condemned for having repulsed Timna.

2. Isaac, Jacob, Timna, Job. That Isaac made converts is deduced by R. Hoshaya from the phrase "and Jacob dwelt in the land of the sojourning (*megure*) of his father" (Gen. 37.1), which is explained as "the land of the conversions (*migiyure*) of his father." That Jacob himself did the same is shown clearly by his action in removing all idolatrous practices from his household (*ibid.*, 35.2).[27]

Nevertheless, these two patriarchs as well as Abraham were much to blame in that they refused to accept as a convert Timna the sister of Lotan (Gen. 36.12). She went to each of them in turn and was rejected; finally she became the concubine of Eliphaz the son of Esau, preferring to be a handmaid in the family of Abraham than a mistress anywhere else. Because the patriarchs were thus intolerant, their descendants suffered bitterly at the hands of her son, Amalek.[28] In the Palestinian sources however[29] nothing is said about Timna's desire to convert; that she,

though of royal blood, became a concubine of Eliphaz, is an indication of the prestige of the whole family of Abraham.[30]

Judah converted the daughter of Shua before marrying her; and a few sources regard Tamar also as a proselyte.[30a]

Among the varied opinions regarding the age in which Job lived is the view which makes him a contemporary of Jacob and husband of Dinah.[31] A few passages state that Dinah converted him to her ancestral faith.[32]

3. Joseph and Asenath. According to R. Abba b. Kahana, Joseph insisted that the Egyptians accept circumcision before he distributed food to them during the famine. Biblical proof was supplied by R. Samuel b. Nahman from Gen. 47.25: "It is not written *hiyyatanu*, but *heheyitanu* (meaning): Thou hast given us life in this world and in the next."[33]

The marriage of Joseph the pious with an Egyptian woman constituted a problem for the Rabbis, which was met in three ways: 1) by supposing that Asenath, Joseph's wife, was actually the daughter of Dinah by Shechem; 2) by ascribing to her intervention Joseph's deliverance from death at the hands of the jealous Potiphar; 3) by representing Asenath as a pious woman, a convert to Judaism. These three legends are variously combined in different sources.

The Asenath legends have been exhaustively treated in a brilliant and learned article by Aptowitzer.[34] The legend of Asenath's piety is mentioned only incidentally in Jewish sources, where, however, the very brevity of the remark is testimony to the fact that the legend is well known.[35] The story is told at length in an apocryphal work, the Legend of Asseneth, which exists in Greek and Syriac versions.[36] It relates that Asseneth, a beautiful and pious maiden, who had previously despised all men and dwelt in seclusion, saw Joseph and fell in love with him. Joseph repelled her, because she was a heathen. There-

upon she saw the error of her ways, destroyed her idols, betook herself to fasting and repentance, and ultimately was accepted by God and married to Joseph.[37]

Early Christian students regarded this story as an allegory, depicting the union of heathendom with Christ, and so some modern scholars have understood it. Aptowitzer, however, produces abundant evidence to show the original Jewish character of the legend, and even that the apocryphon was composed in Hebrew.[38] Rather is Asenath typical of the Gentile world uniting with the Jewish people and faith. This is not mere conjecture, but is supported by numerous parallels between the language of the apocryphon and unquestionably Jewish statements about proselytes.[39] Finally Aptowitzer adduces evidence to show that the narrative was composed at the time when Helena, Queen of Adiabene, was converted by Judaism. Asenath is an idealized portrait of Helena.[40]

The absence of the story in most Jewish sources may be explained by the fact that it was taken over and widely used by Christians, while the alternative explanation—that Asenath was a daughter of Dinah—was more satisfactory to the nationalistically minded.[41]

4. Bithyah. The daughter of Pharaoh who saved Moses from the river and adopted him is identified by the Rabbis with "Bithyah the daughter of Pharaoh whom Mered took" (1 Chr. 4.18). When she went down to the Nile to wash, her purpose was to purify herself from the idols of her father's house.[42] Being thus converted both in spirit and form, the princess naturally took pity on Moses, saved him, and made him her son.

For this she received many rewards. Though herself a first-born, she was saved from the plague that overtook the other first-born of Egypt. This was due to the prayer of her foster-son.[43] Second, she received the name of Bithyah, i.e. Bath Yah, daughter of God; for the Holy One said: "Moses was not your son, yet you called him

your son; so also you were not My daughter, yet I call you My daughter."[44] Third, she married Caleb, most fittingly for they were both rebels—she against her father, he against the counsel of the spies. For this reason her husband is called Mered (from *marad*, rebel) in I Chr. 4.18.[45] Finally, she entered Paradise without tasting death.[46] It may be of some significance that most of the material in this section is ascribed to R. Simon (b. Pazzi) and his son Judah, and to a few of their contemporaries.

5. Moses. The slaying of the Egyptian taskmaster by Moses (Ex. 2.12) was not a rash and impulsive act. Moses killed the man only after deliberate consideration and with heavenly sanction—the aggadot vary as to detail. A number of the sources state that Moses perceived that among this Egyptian's posterity there would never be a single proselyte; hence his death was justifiable.[47] This passage is a striking testimony to the importance attached by the aggadists to proselytization.[48]

6. Jethro. In the aggadah, Jethro is the model and example of converts. The extent of the material dealing with his career is so vast as to require thorough treatment in a special monograph. However, we can give only a summary treatment of this subject here.

Jethro was originally a counsellor of Pharaoh, together with Job, Balaam, and, according to some accounts, Amalek. But he was unwilling to approve the bloody suggestions which Balaam made for the solution of the "Jewish problem." According to one story, he opposed Balaam openly and was banished in consequence; according to another he fled to Midian rather than express himself and arouse Pharaoh's displeasure. In any case he settled in Midian.[49]

Here he became an idolatrous priest, as is indicated by the Biblical phrase, "priest of Midian" (Ex. 2.16). It is true that R. Elazar HaModai interpreted the word *kohen*

here in the sense of chief or prince,[50] apparently to protect Jethro against the obloquy of having been an official representative of idolatry; but his view did not prevail. The other aggadists go to the opposite extreme; there was not a single heathen deity in the entire world which Jethro had not worshipped at one time or another.[51]

According to the view of some aggadists, Jethro had perceived the vanity of idols even before Moses came to Midian. He therefore resigned his priestly office, giving his advanced age as a pretext. But the Midianites suspected his real motives and ostracised him; this explains why his daughters were mistreated by the shepherds and needed Moses' intervention.[52] But the usual opinion is that Jethro was not converted until he visited Moses after the Exodus. Some of the late aggadic works represent Jethro as antagonistic to Moses because he suspected that Moses was the prophet destined to bring ruin on Egypt. He therefore imprisoned him in a pit for many years, and Moses escaped with his life only through the fidelity of Zipporah. Finally they were reconciled and Moses married Zipporah with the understanding that half of their children should be reared as Israelites, the other half as Egyptians. When the second son was born, Moses and Zipporah left Midian; but there was no opportunity of circumcising him before the events described in Ex. 4.24 f. occurred. These legends are not given in the classic sources.[53]

Now at some time after the Exodus, Jethro together with Moses' wife and children (who had returned to Midian) came to visit Moses and his people in the desert. There is a very ancient controversy as to the exact time and occasion of Jethro's coming. According to R. Joshua, it was the defeat of Amalek which opened Jethro's eyes and led him to come; according to R. Elazar HaModai, it was the revelation of the Torah; according to R. Eliezer, it was the dividing of the Red Sea.[54] This controversy was put on a simpler basis by the Amoraim; did Jethro

come before or after the giving of the Torah? The authorities differ.[55] In the sources this question is joined with another: what type of sacrifices were brought prior to the Sinaitic revelation? a problem of some practical significance for the matter of receiving sacrifices from Gentiles.

The view that Jethro came to convert after learning of Amalek's defeat is regarded as an illustration of the proverb "Smite a scorner and the simple will become wise" (Prov. 19.25). For Jethro and Amalek had once been fellow-conspirators with Pharaoh.[56] R. Judah b. Simon even held that Jethro had been enrolled in Amalek's army, but this opinion occurs to my knowledge only once.[57]

Jethro is called in the Bible by a variety of names, and all of these are homiletically explained in the Midrashim. The names Yether and Yithro (Jethro) are derived from *yatar*, to add, because he added a section to the Torah, or because he excelled in good deeds. Hobab is connected with *hahab*, to love, either because he was beloved of God, or because he loved the Torah. Reuel is explained as *rea' El*, friend of God; Heber (Ju. 4.11) is the same as *haber*, companion (of God). He was also called Putiel (Ex. 6.25) because he abandoned (from *patar*) idolatry. The title Keni (Ju. *ibid.*) was applied to him because he was jealous (from *kana*) for Heaven (or because he forsook idolatry which awakens God's jealousy, Ez. 8.3) and because he acquired (*kanah*) a share in the Torah. He was also called Ben, i.e. son, because he became a son to God.[58]

The visit of Jethro as narrated by the Rabbis can best be presented by following the Bible story verse by verse, with the comments given in the two Mekiltas and the Targumim, as well as in other sources. (In what follows the Mekiltas will be cited simply as MRI and MRS, when both agree as Meks., the Palestinian Targum as Ps.-Jon., the reference being in each case to the comments on the Bible v. under discussion.)

"And Jethro, the father-in-law of Moses, and his sons

and his wife came to Moses, to the desert where he was encamped at the mountain of God" (Ex. 18.5). "Lo, Scripture is astonished at him, for he was at ease in the midst of worldly splendor, yet he desired to go forth to a waste and desert wilderness." (Meks.)

"And he said to Moses: I thy father-in-law Jethro am come unto thee, and thy wife and her two sons with her" (v. 6). As the language suggests, this message was sent by letter or messenger (MRI); a third view is that Jethro was unable to enter the camp, so he wrote these words on a letter, attached it to an arrow and shot it into the camp. This explains why Moses had to go out to meet Jethro (v. 7).[59] In this letter Jethro definitely announced his intention of being converted; and he added an appeal that if Moses was unwilling to accept him on his own merits, he should do so for the sake of Zipporah and her children.[60]

This appeal was answered by God Himself, who said to Moses: "I, I, who said the word by which the world came into being, I am One who welcomes, not One who repels. As it is said (Jer. 23.23) 'Behold I am a God who brings near, saith the Lord, and not a God who repels.' I am He who brought Jethro near and did not keep him at a distance. So also you, when a man comes to you wishing to become a convert, so long as he comes for the sake of heaven, do you also bring him near and not repel him.— Hence you learn that one should always bring near with the right hand even while repelling with the left, not as Elisha did to Gehazi whom he pushed away forever." This remark, significantly, comes from R. Eliezer, who has been represented as hostile to converts. His actual position will be discussed later.[61]

"And Moses went to meet his father-in-law, and he bowed down and kissed him, and they inquired each man of the other about their welfare, and they came into the tent" (v. 7). Every mark of respect and honor was shown Jethro; Aaron and his sons and the elders also went out to

greet him, and "some say the Shekinah also went with them."[62] Immediately after greeting Jethro, Moses accepted him as a convert. (Ps.-Jon.)

"And Moses told his father-in-law all that the Lord had done," etc. (v. 8). Moses gave an account of God's providential care of Israel with deliberate intent to bring Jethro near unto the Torah. (Meks.) The phrase "all that the Lord had done" refers to the revelation at Sinai. (MRI. Cp. above, n. 54.)

"And Jethro rejoiced over all the good that the Lord had done to Israel" (v. 9). The scholars differ as to the interpretation of *vayihad* (he rejoiced). The Mekiltas and Targumim take it literally, and enumerate the various blessings which awakened Jethro's delight. Elsewhere we meet the interpretation "and he became a Jew (*Yehudi*)," and the suggestion to read *vayihed*, "he declared one," i.e., proclaimed the unity of God.[63] "Rab says: He passed a sharp (*hadah*) knife over his flesh (was circumcised).—Samuel says: He was covered with gooseflesh (*hidudim*—out of horror over Pharaoh's end.)—Said R. Papa (so in some texts): That is what people say: Do not speak slightingly of an Aramean in the presence of a convert, even to the tenth generation."[64]

"And Jethro said: Blessed be the Lord" (v. 10). "Said R. Pappias: This passage expresses a reproach of the Israelites. For behold there were 600,000 people, and not one of them rose to bless the All-present, until Jethro came and blessed the All-present."[65]

"Now I know that the Lord is greater than all gods" (v. 11). This indicates plainly that previously Jethro had not admitted this fact.[66] He could however make this statement with a positiveness that would have been laughable in anyone else; for there was not a single heathen god which he had not worshipped (above, n. 51). But his language implies that other gods exist, even though the Lord is greater than they; in this respect, Jethro was surpassed by Rahab and Naaman in their grasp of the truth.[67]

"And Jethro, Moses' father-in-law, took a burnt offering and sacrifices for God" (v. 12). "Lo, Scripture expresses surprise at him. A man who has been a worshipper of idols, who used to sacrifice, offer incense and libations, and bow down to his idols, now brings a burnt offering and sacrifices to God!"[68]

Following this we have the account of Jethro's advice to Moses regarding the establishment of a better organized system of government (vv. 13-16). This is treated at length in the Mekiltas as well as other works, but need not concern us here. There is however the difficulty that this system, which is ascribed in Exodus to the suggestion of Jethro, is represented in Deut. 1 as directly commanded by God. This contradiction is harmonized by the principle that "we bring about merit through the meritorious."[69]

It is also stated in two sources that the manna first descended on the day when Jethro arrived in the camp, and on his account.[70] The usual view is, however, that the manna was one of the marvels that Jethro heard about on his arrival. (E.g., Meks. on 18.3.)

Exodus 18 concludes with the simple statement that Moses dismissed Jethro, who returned to his land.[71] But in Num. 10.29 ff. we have a fragmentary colloquy between Moses and Hobab-Jethro, in which Moses urges his father-in-law to travel with them to Palestine, while the latter declares his wish to return to his home. This passage is treated very fully in the Rabbinic sources. According to the Mekiltas, Moses urged upon Jethro that the advice given by the latter had been approved by God, and therefore he should continue to direct them. Jethro replied that he was like a lamp in the presence of the sun and moon (Moses and Aaron), whereas a lamp is suitable only in a dark place. He would therefore return to his home and convert his countrymen.[72] In Sifre Moses assures Hobab that he will be treated kindly, even though he cannot, as a convert, have a share in the division of the

land.[73] To this Jethro replies that he has wealth and position in his own country, which he is unwilling to surrender.[74] Moses then argues: "If you do not accept, I shall decree (that you must go with us.) Else Israel will say: Jethro was not converted out of love. He thought that converts would have a share in Palestine; now that he sees they will have no portion, he leaves them and goes his way!—Another explanation: Perhaps you think you will increase the glory of the All-present (by returning home): you will only diminish it. Many converts and slaves are destined to come beneath the wings of the Shekinah (through your example). 'And thou shalt be to us for eyes' (Num. 10.31).—Beware lest you shut the door in the face of converts who are to come, who may say: Jethro, the father-in-law of the king, did not accept (the religion): how much less can other men! 'For so thou knowest our encamping in the desert' (*ibid.*) He said to him: Were it another, who had not seen the miracles and mighty acts in the desert, and who left us and went away, it would be all right. But you who *have* seen, shall you leave us and go away? 'Do not desert us.' . . . Another explanation of 'thou shalt be to us for eyes': in everything that is hidden from our eyes, you shall enlighten us," as in the case of the judicial organization. "Another explanation of 'thou shalt be to us for eyes': You shall be as dear to us as our own eyeball."[75] Elsewhere Jethro explains that he must return home to discharge his financial obligations. Many people had deposited valuables with him which he must now return. Moreover, during a period of drought he had borrowed huge sums in order to supply food to the people. If he neglects these matters, God's name would be desecrated.[76]

Although this is not made clear in all the sources, Jethro did return to his home, as indicated by Ex. 18.27. On his departure, Moses loaded him with gifts and gave him every mark of honor.[77]

Jethro kept his word, and so successful were his mis-

sionary activities among his people that a host of his descendants, converts to Judaism, settled in Palestine. This is indicated in Ju. 1.16, 4.11; I Chr. 2.55; and because of the phraseology of the last passage, also Jer. 35, dealing with the Rechabites. These descendants of Jethro were celebrated for their piety and learning, as shown not only by Jeremiah's testimony concerning the Rechabites, but by the names applied to them in I Chr. 2.55, Tirathites, Shimeathites, and Sukkathites, which are given various homiletical interpretations, indicating scholarship and religious zeal.[78] Their teacher was the great scholar Jabez, identical with Othniel b. Kenaz, who sought to have worthy disciples and was rewarded by having them as his pupils. To him they went at great sacrifice, since he dwelt at Arad in the desert and they had to give up wealth and comfort to go to him.[79] For the rich territory of Jericho had been assigned to the family of Jethro for their use until it should be given as indemnity to the tribe which furnished the site of the Temple.[80] In a variation of this legend, the family of Jethro, after abandoning the city and going to Jabez's school in the desert, find him teaching priests, Levites, and royal personages. Regarding themselves, humble converts, as unworthy to mix in this company, they sit down at the gate of the school house and listen to what is being taught within.[81]

As a result, descendants of Jethro merited to sit in the Sanhedrin and also to intermarry with the priesthood.[82] Indeed the exceptional piety of Jonadab b. Rechab and his descendants will give them a special part in the joys of the Messianic advent.[83]

Entirely different is the view found in a few places that Jethro not only came before the giving of the Torah (above n. 51) but was dismissed by Moses before the revelation because God did not wish Jethro to be present at that time. The reason was that Jethro had been living in comfort and peace while Israel were enduring slavery and suffering. He had thus failed to earn a share in their joy.[84]

Other versions of this story imply that Jethro was not yet a convert at the time of the revelation, and was therefore excluded from it, just as the alien is excluded from participation in the paschal sacrifice.[85] A different explanation was given by R. Joshua b. Levi. After Jethro had introduced the judicial system, God feared that Israel might suppose that Jethro was the real source of religious law. He therefore gave them the Torah in its fullness that they might recognize that it comes only from his hand.[86]

In addition to the material presented, Rabbinic literature contains innumerable brief references to Jethro. As a rule, when proselytes are mentioned, Jethro and Rahab are the examples quoted.[87]

Such, in summary, is the Rabbinic material treating the figure of Jethro. We repeat that this material deserves a fuller and more systematic study than it has yet received. In the absence of such a study (of which Prof. Aptowitzer's monograph on Asenath may well serve as a model) we may point out the following significant factors.

First, the prominence of the story in the earlier sources. Although amply treated in the later Midrashim, the Jethro legend is developed in the Tannaitic writings, fully developed and presented *in extenso*. So far as the Mekiltas are concerned, this might be explained by the circumstances that a whole chapter of the book of Exodus is devoted to Jethro; but it is more difficult to account on such a basis for the voluminous material in Sifre to Numbers and Sifre Zutta, which is attached to four short Bible verses. There can be no doubt, then, that the Tannaim were very much interested in the story itself. A whole series of divergent interpretations given by R. Joshua and R. Eliezer Ha-Modai is preserved in the Mekiltas.[88]

Second, we may note that there is a general tendency to glorify Jethro in every respect; while the counter-trend, to minimize his importance, is met with only occasionally. The accounts of Jethro's previous enthusiasm for idolatry have nothing to do with this counter-trend;

they are rather intended to heighten his greatness by contrast, and also to emphasize the thought that the past, no matter how heathenish or sinful, does not bar the true penitent from winning God's favor. As to the glorification of Jethro, it is sufficient to mention the Tannaitic remarks on his self-sacrifice in going to the desert, the fact that he was the first to bless God, the favorable interpretation given to his various names, the fact that he "added one section to the Torah" or as it is sometimes put "that one section of the Torah was written by his agency," and the rewards given to him and his descendants. There is also the Amoraic story that he had already forsaken idolatry prior to his acquaintance with Moses. On the other hand, some of the Rabbis seem to have been embarrassed by the great prominence and honor accorded to one who was after all a foreigner. Even more serious was the suggestion that any part of the Jewish law should have issued from a human being, regardless of his Jewish or non-Jewish birth. We therefore find repeated statements that the judicial system was really ordained by God, and that it was attached to Jethro's name only to reward him for his piety. Further we read that Jethro was not permitted to be present at the Sinaitic revelation; and there are a few other aggadot that present him in a less favorable light. But this trend is not very well marked. The predominant note is the glorification of Jethro, who, as we stated at the outset, is the exemplar and ideal of the Jewish proselyte.

7. *The "Mixed Multitude."* The Bible contains several references to the mixed multitude (*'erev rav; asafsuf*) that left Egypt with Israel and accompanied them through the wilderness. The aggadah supposes that these people were (at least outwardly) converted; there was "no total," says the Midrash, to the proselytes who went with Israel out of Egypt.[89] Philo likewise refers to the "promiscuous, nondescript, and menial crowd" consisting of children of

Egyptian women by Hebrew fathers, and of converts. The latter included some who had been impressed by the divine favor shown Israel, and others who were converted in consequence of the plagues.[90]

In Num. 11.4, the *asafsuf* are blamed for spreading disaffection among the hungry Israelites. According to some Tannaim (possibly R. Simeon b. Johai), the word *asafsuf* means converts. But R. Simeon b. Menasya (perhaps objecting to an unfavorable view of converts) explained the word as a reference to the elders.[91]

This suggestion is enlarged on elsewhere. R. Samuel b. Nahman argued that these converts alone were responsible for making the Golden Calf. For they said (Ex. 32.4) "These are *thy* Gods, O Israel, who brought *thee* up out of the land of Egypt." Had native Jews made the Calf, would they not have said "*our Gods*"?[92]

This aggadah has been cited by Bertholet as proof of the unfriendly attitude of the Rabbis toward converts. But this mistaken notion has been refuted by Lévi. (p. 11 f.) The intent of the story is not to blacken the name of converts, but to whitewash the reputation of Israel. This is a familiar Rabbinic tendency, to explain away anything in the Biblical narrative that is discreditable to our people and its heroes. A whole series of such explanations, salvaging the good name of various Biblical characters, was reported by this same R. Samuel b. Nahman in the name of his teacher, R. Jonathan.[93]

A new interpretation (which supplements Lévi's) has recently been given by Marmorstein.[94] The Church Fathers had argued that Israel was rejected by God in consequence of the sin of the Golden Calf. The aggadists used various expedients in combating this doctrine; R. Samuel b. Nahman, one of the eminent Jewish preachers, retorted to this charge that Israel was not responsible for making the Calf at all. It should be added that while we do not find the blame for the Calf laid upon proselytes before R. Samuel b. Nahman, we find something similar in earlier

sources, as shown above, and also in the following instance:

Lev. 24.10 ff. tells that a man born of an Egyptian father and a woman of the tribe of Dan became involved in a fight and blasphemed the name of God, for which offence he was stoned by divine command. The Sifra to the passage[95] deduces from the phrase "in the midst of the children of Israel" that this man had been converted to Judaism. Indeed, as this and other works explain, he had desired to attach himself to his mother's tribe of Dan; and when they refused on the ground that tribal affiliation was determined by paternity, he sought legal assistance to obtain his end. It was his rage when this was denied him that led him to blaspheme.[96] Did the aggadists mean to suggest that an exclusive attitude toward converts will lead to regrettable consequences? This is very doubtful. In fact, I suspect that in this passage and in the Tannaitic comments on Num. 11.4 there may be some animus against converts: in each case the Bible makes it plain that the offenders were of partial or completely alien birth; why need the Midrash mention that they were converted, since in any case the onus is removed from Israel? In the Golden Calf episode it is different; it is necessary to assume that the "mixed multitude" were converted in order that they might assume responsibility for the sin. But none of these passages reveals any active hostility to converts. Their real aim is to protect the good name of Israel.

8. Rahab. Together with Jethro, Rahab the Canaanite woman who assisted the spies sent by Joshua to Jericho, is a favorite Rabbinic example of the righteous proselyte.[97] Despite the frequent references to her, the aggadic material is far less voluminous than in the case of Jethro—due largely, no doubt, to the fact that she is mentioned only briefly in the Bible, and in a post-Pentateuchal book at that.

Here also it is interesting to note that the Rahab leg-

ends, like the Jethro legends, are fully developed in the Tannaitic sources. "They said: Rahab the harlot was ten years old when Israel left Egypt, and the entire forty years that Israel was in the desert she practiced harlotry. At the end of her fiftieth year she was converted and said before the Holy One: Master of the World! I sinned in three things; forgive me for the sake of three things, the cord, the window and the wall, as it is said (Josh. 2.15) 'Then she left them down by a cord through the window, for her house was upon the side of the wall.' "[98]

As a reward, she had righteous descendants. "Eight priests and eight prophets were descended from Rahab the harlot and they are: Jeremiah, Hilkiah, Seraiah, Mehasiah, Hanamel, Shallum, Baruch, and Meriah. R. Judah says: Huldah the prophetess was also among the descendants of Rahab the harlot, as it is said (II K. 22.14) 'So Hilkiah the priest . . . went to Huldah the prophetess, the wife of Shallum the son of Tikvah' and it says (Josh. 2.18) 'thou shalt bind this line (*tikvat*) of scarlet thread. Now behold an *a fortiori* argument! If she who came of a people concerning whom it is written (Deut. 20.16) 'thou shalt not save a soul alive,' yet because she brought herself near, the All-Present brought her near, how much more is this true of Israel when they do the will of the All-Present!"[99]

This baraita is reproduced in the Talmud to refute a statement by R. Nahman that Huldah was a descendant of Joshua; Ëina Saba, who cites it, then attempts to harmonize the two views by supposing that Joshua married Rahab after her conversion.[100]

The sinful character of Rahab's previous life is stressed in order to bring out the power of repentance, as Dr. Ginzberg has well remarked.[101]

It is related that when King Hezekiah lay ill, he turned his face toward the wall in prayer (II K. 20.2). To what wall, asked R. Joshua b. Levi, did he turn? To the wall of Rahab, saying: "Master of the World, Rahab saved two

lives for Thee; see how many Thou didst save for her. How much the more (shouldst Thou deliver me) whose ancestors brought all these converts near unto Thee!"[102]

9. Ruth.[103] Ruth was a daughter of Eglon, the King of Moab.[104] She and Orpah married the sons of Elimelech only after the death of the latter, who was opposed to intermarriage; for it was generally supposed that the Deuteronomic law was in force. For this reason the sons of Elimelech dispensed with a formal conversion of their wives, since they supposed that this would not have legitimized their marriages.[105]

The devotion of Naomi's daughters-in-law is demonstrated by the fact that they renounced in her favor their claims on the estates of their husbands[106] and also by their readiness to return with her to Palestine. They discussed as they went the halakot pertaining to converts.[107] But Naomi endeavored to dissuade them from returning with her, and three times she urged them to go to their home. This is in accordance with the rule that one should repulse a prospective convert three times, but no more (above, Ch. IV, n. 8). Orpah yielded to Naomi's persuasion, left her, and gave up her half-hearted Judaism.[108]

But Ruth persisted in her faithfulness to Naomi and to Naomi's religion. The beautiful speech beginning "Entreat me not to leave thee" (Ruth 1.16, 17) is given an odd legalistic interpretation by the Rabbis. The Talmud puts it thus: "(Naomi) said to her: We are forbidden to pass the Sabbath boundary. She replied: "Whither thou goest, I will go.'—We are forbidden (if married) to be alone with (another) man.—'Where thou lodgest, I will lodge.' —We are commanded to obey six hundred thirteen commandments.—'Thy people shall be my people.'—We are forbidden idolatry.—'And thy God, my God.'—Four death penalties are entrusted to the courts.—'As thou diest will I die.'—Two graves are entrusted to the court.—'And there will I be buried.' "[109]

The Midrash Raba is somewhat different. "What is meant by: 'entreat me not' (*al-tifg'i bi*)?—She said to her: Do not sin in regard to me, do not bear punishment (*pega'*) on my account.—'To leave thee, to return from following after thee'—In any case I have decided to become a convert; it is better that it should be through thy agency than through another.[110] When Naomi heard this, she began to set forth to her the halakot of converts. She said to her: My daughter, it is not the habit of Israel to lodge in a house which bears no *mezuzah*. She replied: 'Where thou lodgest, I will lodge. Thy people shall be my people'—these are the penalties and prohibitions—'and thy God, my God'—the other commandments. Another explanation 'Whither thou goest, I will go'—to the Tent of Meeting, to Shiloh, Nob, Gibeon, and the Temple. 'Where thou lodgest will I lodge'—I shall stay overnight by my sacrifices. 'Thy people shall be my people'—I shall nullify my idols—'and thy God, my God'—to pay the reward of my labor."[111]

The story is told still differently in another work. "Every time that Naomi said to Ruth: Go, my daughter, (Ruth) wept . . ." . . . After Orpah had departed, "Naomi tried to persuade Ruth to return also, but Ruth began to plead with her: I am the daughter of kings, the daughter of great ones; yet will I cling to thy handmaid. I am minded to acquire thy name in the world. . . . I cannot return to my family and to the idolatrous 'leaven' of my father's house." Then Naomi explained the different laws binding upon Jews, which Ruth agreed to accept (above, n. 109). Then she said: "Perhaps thou thinkest that as my sister left thee and clave to another family and married one of them, so I will do, that it will befall me as it befell her? 'The Lord do so unto me, and more also, if aught but death part thee and me.' When Naomi saw that she had accepted (Judaism) and was urging her with great weeping, her mercies were stirred and she accepted her."[112]

In the references to the halakot of converts and the laws mentioned by Naomi to Ruth, Lévi has seen the remains of a manual for the instruction of proselytes. That such manuals may have existed we need not doubt; but it is very questionable if they resembled this Midrashic interpretation of Ruth 1.16-17. For here the laws mentioned are chosen for their appositeness to the Biblical text, rather than for their value for neophytes. The laws mentioned in the Talmud as a part of the instruction of candidates are different.[113]

On the words "So they two went until they came to Bethlehem" (Ruth 1.19), R. Judah b. R. Simon remarked: "See how dear converts are to the All-Present: once she made up her mind to be converted, Scripture regards her as equal to Naomi."[114]

It is not necessary for us to follow in detail the Rabbinic account of Ruth's experience in Bethlehem and her ultimate marriage with Boaz.[115] But there are a few matters worth noting. When Ruth gleaned in the field of Boaz, she was most careful to observe the halakot pertinent to gleaning, as well as the most scrupulous demands of modesty.[116]

When Boaz praised Ruth for her goodness, she replied that she came of a despised people who are excluded from the congregation of the Lord. Thereupon he told her he had just learned that the law of Deut. 23.4 excludes only Moabite males, but not their women.[117] This rule had been forgotten (above, n. 105) and had been newly brought to light. Had Ruth come any sooner, she would not have been accepted.[118] Boaz also told Ruth that as a reward for her piety, she would be the ancestress of kings and prophets.[119] Similarly the kinsman with the prior claim refused to marry Ruth because he did not know that the halakah had been clarified to permit marriage with a female Moabite.[120]

It should be added that though the law was presumably fixed at this time, there was still doubt in some quarters.

Doeg, the enemy of David, arose later to plague him with the argument that he was not of legitimate Jewish origin, since he was descended from a Moabite woman. Abner attempted to justify the ruling that Moabite women were permitted, but Doeg argued him down. Finally the matter was referred to Samuel and his court, who approved the stand of Abner, and denounced Doeg as a heretic.[121] In the Talmud, a different element is introduced. After Doeg had silenced Abner the matter was referred to a court (not Samuel), but Doeg repeated his arguments to the court and they could not refute him. Thereupon Ithra the Jesraelite rose, girded on his sword like an Ishmaelite, and said: "Whoever refuses to listen to this halakah shall be pierced through with the sword. Thus have I learned from the court of Samuel the Ramathite: An Ammonite but not an Ammonitess, a Moabite but not a Moabitess (are excluded)."[122]

On the other hand, many sources state that the conversion of Ruth and her great posterity had long since been foreseen by God, and predicted to the early heroes. In these passages, Naamah the Ammonitess, Rehoboam's mother (I K. 14.21) is mentioned together with Ruth as a righteous proselyte.[123]

Somehow there seems to be a certain lack of warmth in the aggadic material about Ruth. This statement is admittedly subjective, and of course nothing can be deduced from merely negative evidence. Wherever Ruth is mentioned she is praised, and frequently her merit in becoming the ancestress of David and the Messiah is recalled. Yet, considering the fact that an entire Biblical book is devoted to Ruth, and that she is there depicted in such glowing colors, we might have expected the Rabbis to be more enthusiastic about her. Far greater space is devoted to Jethro, and his virtues are enlarged to a greater extent than those of Ruth. This is due in part, no doubt to the fact that Jethro appears in the Pentateuch, the most constantly studied part of the Bible and the basis of the

synagogal sermons. But when we consider that as typical converts the Rabbis ordinarily mention Jethro and Rahab (who appears briefly in the Bible, whereas Ruth is the heroine of an entire book) we may wonder whether the comparative neglect of Ruth is altogether fortuitous. Two explanations suggest themselves.

First, the legal difficulty. Deut. 23.4 does not suggest the slightest distinction in regard to sex; it plainly bars all Ammonites and Moabites from entrance into the Jewish community. The exegetical argument to justify admission of women from these peoples is exceedingly flimsy, and was recognized as such by the Rabbis. Their embarrassment over the matter is plainly reflected in the story of Doeg's attack on the legitimacy of David. Moreover one scholar honestly admitted that there was no satisfactory Biblical proof for the distinction, and that we must here rely entirely on tradition (above Ch. V, n. 67). This embarrassment may explain in part the reluctance of the Rabbis to place too much emphasis on the figure of Ruth.

But quite possibly another element was involved. It is all very well to be friendly toward converts, it is another matter to have foreign blood in the veins of the royal family and of the Messiah. I think it quite probable that some of the Rabbis found this fact a little hard for their Jewish pride to swallow. (Plenty of Americans who are by no means anti-Semitic would be upset at the thought of a Jew in the White House.) It must be added, however, that I have not found a single word in the entire literature that belittles Ruth in any way. Whatever is said about her is most favorable; and these comments have been prompted by nothing more than a subjective feeling that the treatment of Ruth *might well have been* fuller in bulk and warmer in tone.

10. Converts in David's Time. We have seen that Doeg attempted to bar David from the throne of Israel because

of his descent from a Moabite woman, and that David's legitimacy was defended by Ithra, who with the fierceness of an Ishmaelite threatened to kill anyone who denied the correctness of his tradition. This explains why Ithra is once called Jesraelite, and once Ishmaelite (above, n. 122). According to R. Samuel b. Nahman, however, Ithra was actually of Ishmaelite birth. Once he entered the school of Jesse, and heard him expounding Is. 45.22: "Look unto me and be ye saved, all the ends of the earth." Moved by this appeal, Ithra was converted, and received in marriage a daughter of Jesse.[124] This story is mentioned by Bacher as definitely propagandistic in purpose[125] and Hershberg sees in it a criticism of those scholars who spoke in praise of converts, but were themselves unwilling to intermarry with them.[126]

Reference has also been made to an aggadah in which God ordains that no convert shall be accepted from the Amalekites. So when news of Saul's death was brought to David by a young man who called himself the son of an Amalekite *ger*, David recalled this command and felt himself fully justified in ordering the young man's death for murdering Saul.[127]

It was in the days of David that the Gibeonites became a vital problem. This group (as we learn from Joshua 9) were terrified by the advance of Israel under Joshua, and by representing themselves as travelers from a distant country, they tricked the Israelites into making a covenant with them. Although the oath of Israel was not binding, since it had been elicited by fraud, the Gibeonites were not put to death, in order that the name of God might not be desecrated even by the report that the Israelites had broken a promise.[128] But these Canaanites were degraded and "made hewers of wood and drawers of water for the congregation and for the altar of the Lord" (Josh. 9.27). This puzzled R. Joshua b. Levi, who could understand why they were made slaves of the community, but did not see why they should have been given the privilege

of service of the altar. He therefore explained that Joshua left the status of the Gibeonites unsettled, neither rejecting them from the congregation nor admitting them; he wished the final decision to be made by *him who should later build an altar*.[129] During this period, however, though not formally admitted to the Jewish group, they became informal converts (*gerim gerurim*).

Now a famine occurred during David's reign, and when the king sought divine guidance in the matter, he was informed that the famine was a punishment for the misdeed of Saul in putting the Gibeonites to death (II S. 21.1). The Bible does not mention Saul's action elsewhere, and some Rabbis explain that the verse is not to be understood literally. The Gibeonites, attached to the service of the altar, were supported by the priests; and when Saul massacred the priests at Nob, the Gibeonites were automatically deprived of support.[130] Other authorities, however, accept the passage literally, some even mentioning the seven Gibeonites whom Saul had killed.[131]

When David learned this, he sent for the Gibeonites and asked them what compensation they would demand. They insisted that they could be appeased only if seven of Saul's family were put to death; and David had to accede to the requirement (II S. 21.2-9). According to the aggadah, he begged them to accept a less bloody indemnification; and when they refused, he remarked that Israel are distinguished by three qualities which they received at Sinai: modesty, mercy and charitableness. As the Gibeonites were so completely lacking in mercy, they were unfit to become part of Israel; and so David barred them permanently from entrance into the congregation.[132] Even in the future, when the whole world is regenerated and reconciled to God, the Gibeonites and the serpent of Eden will have no share in all this.[133]

Elsewhere, we find a more favorable attitude toward the Gibeonites. Thus, a Tannaitic Midrash finds a reference to them in I Chr. 4.22, and remarks: "They came

from a people who had incurred extermination; yet because they brought themselves (to God), the All-Present brought them near."[134] When David hesitated to comply with the demand of the Gibeonites, God said to him: If you alienate those who are distant, you will ultimately alienate also those who are near; and He had spoken similarly to Joshua when the latter hesitated to receive the Gibeonites, reminding him that he was himself a descendant of the convert Asenath.[135] Elsewhere the execution of the family of Saul is thus justified: "In order that the whole world may see and fear, and do no more harm to converts. Therefore it is written 'to the Lord' (II S. 21.6)—because He commanded us to treat converts kindly and (Saul) treated them ill. Why 'in the hill of Saul' (*ibid.*)? That men may know: if the Holy One would not excuse a king (for this sin), how much less would He forgive an ordinary person!"[136]

As a rule, the sources do not justify the Gibeonites in their demand, but they find in its fulfillment a mighty act of *Kiddush HaShem*, sanctification of the name of God. The execution of Saul's sons for their father's crime was a violation of the law (Deut. 24.16); further the bodies of the victims were left upon the gallows for many months, in contravention of the ordinance which forbids the exposure of a dead body overnight. (*ibid.*, 21.22 f.; II S. 21.10.) But these departures were justifiable in order to bring home to the minds of people the scrupulous fairnes of God. "Said R. Johanan n. R. Simeon b. Jehozadak: It is good that a letter be torn out of the Law so that the Name of Heaven may be publicly sanctified. For passers-by would say: What are these (corpses)?—These are princes.—And what did they do?—They raised their hands against self-made proselytes.—Thereupon they would say: There is no people worth cleaving to as this: if they treat princes thus, how much more (will they deal justly) with ordinary people; if they (protect) self-made converts thus, how much more (will they protect) Israel.

And soon *there were added to Israel one hundred fifty thousand (converts).*"[137]

The descendants of the Gibeonites are identified with the Nethinim who appear in the later books of the Bible.[138] They are mentioned often in halakic literature, but always in purely theoretical connections (above, Ch. V, n. 82).

In Ezra 2.61-2, mention is made of a priestly family which had intermarried with the daughters of Barzillai the Gileadite, and which was disqualified from priestly service. Barzillai appears as a friend of David in II S. 19.32 ff. In the Yerushalmi[139] there is a casuistic legal discussion as to the status of these women and the reason why the family was disqualified.

All this is in contradiction to a baraita (Ch. IX, n. 70) to the effect that in the days of David and Solomon no converts were accepted, because it was feared that they sought admission for purely material advantage.

11. Wives of Solomon. The baraita just mentioned is also cited to refute the statement that Solomon converted the daughter of Pharaoh, whom he married; and a solution is found in the question of motive. Converts were not ordinarily accepted in those prosperous times because they might have been prompted by worldly ambition; but of course, the Egyptian princess could have had no such intent.[140] Many sources, however, state that the princess remained heathen and that she (as well as Solomon's other foreign wives) led him astray.[141] There was a difference of opinion among the Tannaim as to whether or not Solomon converted his wives, and what his motives (and theirs) were; it is interesting to note that R. Jose saw in these intermarriages a pure intention on Solomon's part to bring these women beneath the wings of the Shekinah.[142] For the most part, however, the attitude toward these unions is one of distinct disapproval, as suggested by the Biblical narrative.

An exception, however, is made regarding Naamah the Ammonitess, who was the mother of Rehoboam, and who is mentioned favorably in the sources—undoubtedly because the Rabbis disliked the notion that the Davidic line was directly descended from a sinful heathen (see above, n. 123). In the Talmud, David is represented as holding Rehoboam in his lap, so that the marriage presumably took place in his lifetime.[143] But in some later works, Naamah is the heroine in the legend of Solomon's exile as punishment for his pride.[144]

12. Obadiah. The Obadiah mentioned in I K. 18.3 ff. as "one who feared the Lord greatly," and who saved a hundred prophets from the wrath of Jezebel, is generally identified with the author of the Biblical book of Obadiah. The question is raised as to why Obadiah's prophecy is directed against Edom. A favorite explanation is that Obadiah, who did not follow the evil example of Ahab and Jezebel, could fittingly denounce Esau, who did not follow the good example of Isaac and Rebekah.[145] But another view is that Obadiah himself was an Edomite convert, who was called to bear witness against his own people. He was the proverbial ax handle which the tree provides for its own destruction; and the Talmud mentions a cruder but equally vigorous proverb to the same effect. This view is ascribed to R. Meir.[146]

In a late work, proof that Obadiah was a convert is found in the circumstance that neither his father's name nor that of his home is mentioned in Scripture; this passage then goes on to draw a parallel between Obadiah and Isaiah, despite the vast difference in the bulk of prophecies.[147] Dr. Ginzberg has well suggested that the idea of Obadiah's conversion may go back to the Biblical statement that he was a fearer of God.[148]

13. Naaman. The Syrian general cured of leprosy by Elisha is represented in the Bible as definitely committed

to the worship of Israel's God. He wishes to take some Palestinian soil home with him, so that he may make an altar; and he asks forgiveness for his subsequent appearances in the Temple of Rimmon with his royal master (II K. 5.17 f.). Plainly he declares "Now I know that there is no god in all the earth save in Israel" (*ibid.*, v. 15). From this the Mekilta deduces that he had a better understanding of religious truth than Jethro, who said (Ex. 18.11) "Now I know that the Lord is greater than all gods"—implying that other deities also existed.[149]

Nevertheless the Rabbis do not regard Naaman as a true proselyte. A baraita states that he was a *ger toshab*[150]; and elsewhere his story is cited as proof that a Noahide is not obligated to sanctify God's name, i.e. to undergo martyrdom rather than forswear his beliefs.[151]

14. Converts in Days of Jonah. The Bible reports that the sailors who witnessed the miracles done to Jonah "feared the Lord with a great fear and offered sacrifices to the Lord and made vows" (Jonah 1.16). The Targum to the verse translates "feared the Lord, etc.," literally, and explains that they promised to make sacrifices, i.e. on their return to land. In the late Midrash to the book, however, it is stated that these men went up to Jerusalem, were circumcised, and after their conversion brought their sacrifices.[152]

15. The Samaritans. Reference has been made to the Samaritans in our legal section (Ch. VII, sec. 1). The aggadic sources contain very little about the group. Of chief interest is a passage (found in two works in substantially the same form) which undoubtedly dates from the Gaonic period.[153] It relates that the new settlers in the northern kingdom were decimated by the lions which God sent against them, and so they complained to the king. He sent for some of the Israelite elders to consult with them; and hopeful that if their advice proved sound,

they might be permitted to return home, they explained the visitation: Palestine would not receive a people who were uncircumcised and ignorant of the Torah.—Their hopes of restoration were dashed; but at the king's command, they sent two scholars to convert and instruct the Cutheans. These scholars are variously called R. Dosethai of the Court, R. Micaiah, R. Zechariah, and R. Sabayya. Regretfully they inducted the heathen into the knowledge of Judaism. Their apprehensions were fully justified when the rebuilding of the Temple was begun, for the Samaritans raised a force of one hundred eighty thousand to stop the work of restoration. Moreover, they tried to assassinate Nehemiah. Therefore Ezra, Zerubbabel and Jeshua pronounced a solemn ban upon the Samaritans, forbidding the eating of their bread, denying them the opportunity to convert, and excluding them from the resurrection.[154]

16. Achior the Ammonite. The apocryphal book of Judith tells how Holofernes, general of Nebuchadnezzar sought to conquer Palestine, and especially to capture Bethuliah. In his advance he came to the country of Ammon, where he met their leader, Achior (5.5). The latter gave him an account of the history of Israel and warned him against attacking them unless they had been sinning against God. Unless provoked by their wickedness, this God would surely protect them (*ibid.*, vv. 6-21).

Achior's advice provoked bitter resentment. After beating him, Holofernes ordered Achior to be bound and cast into the city of Bethuliah, that he might perish with his friends the Jews. The Bethulians gave Achior a friendly welcome (5.22-6.21).

When later Judith succeeded in killing Holofernes and the city was saved, Achior was so impressed that "he circumcised the flesh of his foreskin and was joined unto the house of Israel unto this day" (14.6-10).

There appears to be no reference to the story of Judith

in the Rabbinical sources; but there are several late Hebrew versions of the tale. They also mention the pious Gentile who warned Holofernes and provoked his ire. According to one version, he was hanged alive on the wall of Jerusalem; and when Judith returned with the head of Holofernes, he was able to testify that it was indeed the general's head so that the suspicious guards would readmit Judith. Another form is more like that of the Apocrypha; but in both these versions neither the name nor country of the Philo-Semite is mentioned, nor does he become a formal convert.[155] In still another version, Achior is the name of the attacking general.[156]

It is surprising that Achior is represented as an Ammonite, in view of the Biblical ban against these people. While historical and geographical names are confused throughout in this book—apparently with deliberate intent—one might have expected that the proselyte would come from a different nation than the Ammonites.

The book of Judith is generally regarded as dating from the Maccabean period, and the reference to proselytization fits in well with that date.

17. *Nebuzaradan.* A widely known legend tells that Nebuzaradan, general of Nebuchadrezzar, entered the court of the burning Temple, and saw there a pool of blood constantly seething. By threatening to torture his guides, he learned that this was the blood of Zechariah, whom the people had stoned for prophesying the destruction of the Temple (II Chr. 24.20 ff.). In order to appease the spirit of the martyred prophet, Nebuzaradan slaughtered scholars, children and priests to the number of ninety-four myriads; but the blood continued to boil until Nebuzaradan himself appealed to Zechariah to relent.

In the Babylonian Talmud, a further element is added to the story. "(Nebuzaradan) meditated repentance, for he thought: If such a fate befell those who destroyed one soul, what will happen to me?—Thereupon he fled, sent

a will to his family, and became a proselyte.—The Rabbis taught: . . . Nebuzaradan was a righteous proselyte."[157]

It appears that the Palestinian aggadists did not know (or else rejected) the story of Nebuzaradan's conversion; for the legend of the blood of Zechariah appears many times without this addition.[158] Although references to the conversion are found in some Midrashim, they prove on examination to be additions to the original texts, under the influence of the Babli.[159]

Perhaps it was local pride that led the Babylonian scholars to depict their non-Jewish compatriot, who destroyed the Temple, as ultimately repenting.[160] Similarly, we read that God was going to make proselytes of some of the descendants of Nebuchadrezzar, until the angels objected indignantly![161]

18. Converts During the Exile. According to R. Hanina, the miracle wrought for the three friends of Daniel—who were saved from the fiery furnace—led many heathen to convert. This is derived by a homiletic interpretation of Is. 29.23-4: When the children of Israel were seen sanctifying the name of God in the midst of the furnace, then those that erred in spirit came to understanding.[162]

19. Converts in Days of Esther. The aggadah adds nothing to the Biblical statement that many heathen accepted Judaism out of fear when Mordecai and Esther triumphed over Haman. (Esther 8.17.) It is generally assumed they were insincere, and such converts are to be avoided.[163]

NOTES TO CHAPTER X

[1] This work will be cited as "G," by vol., p., and n.

[2] See Beer, *Leben Abrahams,* passim. [3] G V, 209 n. 13.

[4] G I, 189, 212 f.; V, 210 n. 16 and 217 n. 49. This story is ancient, since it is found in the Apocalypse of Abraham. Among the Rabbinic sources cited by G, a typical form is Gen. R. 38.13.

[5] G I, 239 f.; V, 233, nn. 123-25.

[6] Above, Ch. IX, n. 6. Abraham called himself *ger*, *ibid.*, Abraham was the first of the *gerim*, Suk. 49b.

[7] In Tan. B. and N. Kedoshim 2, God calls Abraham a *ger* in a derogatory sense, but the reference is only incidental.

[8] G I, 190-194, 198-203, 215-217 and corresponding nn. in Vol. V.

[9] See Gen. R. 38.13, SER 5.27; SEZ 25.47-48 (Nispahim) and the other sources cited in G V, 211 n. 27 and 217 n. 49, corresponding to I, pp. 195 ff., 209 ff.

[10] OM 5a.

[11] Sif. D. 32 on 6.5; Mid. Tannaim, *ibid.*, p. 25; ARN I, 12.27a, II, 26. 27b Cant. R. 1.3,–anonymous. The remark about the creation of the flea ascribed to R. Jose b. Zimra, Gen. R. 39.14, (see *ibid.*, 16) 84.4; PR 43.181 ab. (Cp. p. Sanh. 7 end. 25d and Friedmann ad PR.) So R. Alexander, Tan. N. Lek Leka 12. That Abraham converted men, Sarah women is ascribed to R. Huna in several of the above sources; anon., Num. R. 14.11. Similar interpretation of Gen. 12.5 in all three Targumim, and in Yelamdenu, Yalk. Jer. 17.8 (remez 296). See G V, 215 n. 42, where several of the ref. are incorrect.

[12] G I, 217; V, 218 n. 53.

[13] Gen. R. 39.16.

[14] R. Reuben, Tillim 110.1.

[15] Sotah 10a, Resh Lakish; Gen. R. 54.6, anon. A fuller form, in which Abraham bursts into rhapsodic praise of God, Tan. N. Lek Leka 12. Brief ref., Gen. R. 48.8. See G I, 270 f. and V, 248 nn. 223 ff.

[16] G I, 242 and V, 235, n. 137.

[17] It is quoted by Rappoport *Myth and Legend of Ancient Israel*, Vol. I, p. 279 f., referring to Lewner, *Kol Agadoth Israel*, Vol. I, p. 90-91; but there is no trace of it in the Rabbinic sources. The most familiar version of the story is Benjamin Franklin's "Parable against Persecution"; Franklin, however, admittedly borrowed the story from Jeremy Taylor, who said he had obtained it from "the Jew's book." The story has been traced to a preface written by the famous orientalist, George Gentius, for his Latin translation of Solomon ibn Verga's *Shebet Yehudah*. In this work, published at Amsterdam in 1680, Gentius tells the story and ascribes it to the "most noble author Saadi." (See Sidney G. Fisher, *Benjamin Franklin*, 3rd ed., pp. 155 ff.) I cannot find the story in the English translations of Saadi that are available to me; a rather surprising fact in view of Gentius's pioneer role in introducing Saadi to European readers.

[18] Gen. R. 43.2, connecting *hanikav* (Gen. 14.14) with *hanikah*, name. Cp. G V, 224 n. 92, which incorrectly cites 42.2; Ch. XI, nn. 57-8.

[19] G I, 237; V, 231 nn. 118-9. Note especially Gen. R. 53.14, "Because she was a proselyte, she was especially dear."

[20] G I, 297 and V, 264 nn. 305-7.

[21] PRE 29.208.

[22] G I, 293; V, 260, n. 281.

[23] Gen. R. 53.9.

[24] Tan. B. Vayera 38; PR 43.180a, which adds that all proselytes and fearers of heaven are descendants of these children.

[25] Sif. D. 313, Mid. Tannaim 191 on 32.10; Gen. R. 59.8.

[26] Ned. 32a bot. Cp. Gen. R. 43.4 and Theodor's nn.

[27] Gen. R. 84.4; cp. G I, 316 and n. 30.

[28] Sanh. 99b; Sefer HaYashar Vayishlah p. 125 merely states that she was refused by Jacob and his sons.

[29] Sif. D. 336, Mid. Tannaim p. 205 on 32.47; Gen. R. 82.14.

[30] See G I, 422 f.; V, 322, n. 320; VI, 23, n. 138.

[30a] On the daughter of Shua, see Ps.-Jon. Gen. 38.3. On Tamar, Philo, *De Virtutibus, De Nobilitate* 6 and Sotah 10a bot. But usual Rabbinic tradition makes Tamar a daughter of Shem: G V, 333-4, nn. 79, 82.

[31] G II, 226, 241 and V, 381-2, 388, n. 35. Some sources identify Dinah with Job's wife mentioned in the Bible; others say she was his second wife.

[32] Gen. R. 76 end, 80.4. Tan. B. Vayishlah 19. Elsewhere Job is regarded as a pious Gentile, Deut. R. 2.4. The extermination of the Shechemites is condemned as discouraging to prospective converts, Gen. R. 98.5; but some Rabbis insist that Simeon and Levi acted out of high motives.

[33] Gen. R. 90.6; more fully, *ibid.*, 91.5. Tan. N. Mikketz 7, anon., represents the Egyptians as appealing unsuccessfully from Joseph's decision to Pharaoh. See G II, 78 f.; V, 346, nn. 195-6, citing MHG I 631. This source states that Joseph required the Egyptians to abjure idolatry. This idea is not found in older sources: the aggadah probably arose as an attempt to explain the practice of circumcision among the Egyptians.

[34] "Asenath, the Wife of Joseph," *HUC Annual*, Vol. I, pp. 239 ff. The Jewish origin of the Asenath apocryphon was previously maintained by Kohler, *JE*, Vol. II, pp. 172 ff., whose work Aptowitzer does not mention. Kohler mistakenly supposes that the legend is not found in standard Jewish sources. See also G II, 38, 44, 76-7 and V, 336-7, 339, n. 109, 345, nn. 188-190.

[35] Aptowitzer cites only PR 3.12a and Mid. Aggadah Gen. 41.5. A much plainer statement that Asenath was a convert is found in Mid. Samuel 28.5, below n. 135. See Ch. IX, n. 69.

[36] For bibliography on this work, see Aptowitzer, p. 254, n. 39.

[37] *Ibid.*, pp. 258 ff.

[38] *Ibid.*, pp. 260 ff., esp. 280-1.
[39] *Ibid.*, pp. 286 ff., esp. 293-4.
[40] *Ibid.*, pp. 305-6. [41] *Ibid.*
[42] Meg. 11a, R. Johanan; Sotah 12b, R. J. n. R. Simeon b. Johai.
[43] PRK Vayehi Bahatzi ‡60; PR 17.88a; Tillim 136.6, R. Judah b. Pazzi.
[44] Lev. R. 1.3, R. Levi.
[45] *Ibid.*, where another view is that they married because Caleb saved the sheep, Bithyah the shepherd; Meg. *loc. cit.* The Talmud ascribes the section entirely to R. Simeon b. Pazzi; Lev. R. also mentions his son Judah and R. Abba b. Kahana.
[46] Mishle 31.15; DEZ 1 end; Alphabet of Ben Sira, OM 50a. Brief ref. to her conversion, Deut. R. 7.5, R. Judah b. Simon; PRE 48.379 and Friedlander's n. 3. See G II, 266, 270-1 and V, 401, nn. 60-61. There was a tradition that Shiphrah and Puah, the midwives of the Hebrew women, were proselytes; but usually the aggadah identifies them with Jochebed and Miriam: G V, 393, n. 17.
[47] Both Palestinian Targumim Ex. 2.12; Ex. R. 1.29; Tillim 24.7; Abkir in Yalk. ad. v. (remez 167). See G II, 280; V, 405-6.
[48] In Cant. R. 1.2 there is an aggadah in which the angels bring the Torah to Israel at Sinai, explain its implications and ask if they will accept it. When the Israelites do so, the angels kiss them. Jellinek (Beth HaMidrash, Vol. V, pp. l-lii) has suggested that the author of this homily had in mind the way in which converts were received into Judaism. Possibly, the proselyte was greeted with a kiss, as was later the custom of the Church; in any case, the angel kiss is a fitting symbol of the Jewish spirit, which sought to win converts by love, not force. This interpretation is in harmony with the known facts, but not necessitated by them.
[49] G II, 254 ff., 296; V, 393-4, 412-3.
[50] Mek. Amalek 3, MRS p. 86 on 18.1.
[51] Mek., *ibid.*, MRS p. 88 on 18.11 "they said"; (briefly, R. Joshua in passages cited in previous n.). Also Tan. B. Yitro 5; Tan. N., *ibid.*, 7; Eccl. R. 3.11, R. Ishmael.
[52] Tan. N. Shemot 11; Ex. R. 1.32. See G II, 289 f.; V, 410, n. 82; VI, 27, n. 156. In SER (5) 6.30 it is stated that Jethro was not impressed by Moses' religious observances while the latter lived in his house. It was the Egyptian deliverance that opened Jethro's eyes.
[53] See G II, 293 ff.; V, 411-12, nn. 88-99.
[54] Mek. Amalek 3, MRS p. 85 on 18.1; Zeb. 116a. The text of p. Meg. 1.13.72b bot. is uncertain.
[55] Zeb. and p. Meg., *ibid.*; AZ 24 ab; Gen. R. 22.5, 34.9; Lev. R. 9.6; Num. R. 13.2; Cant. R. 4.16; PR 5.17a. See the nn. of Theodor ad Gen. R. and Friedmann ad PR.

[56] PRK Zakor, beg.; Ex. R. 27.6; Tan. B. Yitro 2.

[57] Mid. Samuel 12.2.

[58] Not all these names and interpretations are found in any one source; but different combinations appear in Mek. Amalek 3, MRS p. 86 on 18.1; Sif. N. 78 and Sif. Z. to 10.29. Tan. B. Shemot 11; Tan. N. Yitro 4; Ex. R. 27.8. See also Ex. R. 1.32, and G. V., 410 n. 83. Josephus always uses the name Raguel (Reuel): Ant. III 3,4.

[59] MRS, Tan. B. Yitro 6.

[60] Meks.; Tan. N. Yitro 6; Ex. R. 27.2—R. Elazar HaModai; Ps. Jon.

[61] Tan. N., Ex. R., *ibid.;* Meks; see Ch. XIII, nn. 26 ff. In SER (5) 6.30 Jethro solemnly adjures Moses to come and meet him; but Moses does not respond until commanded by God to give him a friendly welcome.

[62] The sources cited in last n., variants.

[63] Tan. B. Yitro 8; Tan. N., *ibid.,* 7 and see B's n. 27.

[64] Sanh. 94a; cp. Ch. IX, n. 44. [65] Meks., Sanh., *ibid.*

[66] Meks. In the comment on the second half of the verse, it is stated that Jethro had previously recognized God, without realizing the fullness of His power.

[67] Meks. Somewhat differently, Deut. R. 2.26-7. Cp. n. 149.

[68] Meks. Cp. above Ch. IX, n. 44. On the sacrifice of Jethro, cp. n. 55. For the material treated in the preceding nn., see G III, 63-67 and corresponding nn. in VI, 26-7.

[69] Sif. N. 78, 80. Similarly, R. Elazar HaModai in Meks. on 18.24. But Mishnat R. Eliezer p. 307-8 runs: "Dear is Jethro to whom the Holy One gave a section (of the Law) to make his own (*lehitgadder bo*). Which is that? (The section concerning) the appointment of elders, as it is said (Ex. 18.21) 'thou shalt provide out of the people able men,' etc. Now was not the appointment of elders a proper thing in the sight of the Holy One? Why did He not command it upon Moses in the first place? In order to give Jethro greatness in the eyes of Moses and all Israel; that they might say: Great is Jethro, with whose words the Holy One agreed. Moreover Jethro said this only on condition that the Holy One agree with him, as it is said (v. 23), 'if thou shalt do this thing and God shall command thee so.'" See G III, 67-72 and corresponding nn. in VI, 27 f., esp. nn. 166-168.

[70] Tillim 78.4, R. Eibo. Briefly, Ex. R. 27.5.

[71] For the material in the rest of this section, cp. G III, 72-77 and nn. in VI, 28-29.

[72] Meks. on 18.27; Sif. Z. ad v., where Moses remarks "God has commanded us to be good to converts, but you we will treat best of all"; Mishnat R. Eliezer p. 306. Ps.-Jon., *ibid.*, also states that J. returned home to convert his people. Similarly, Tan. B. 6.

[73] Sif. N. 78 end. Cp. Ch. V, n. 20.

[74] *Ibid.*, 79; Sif. Z. and Mishnat R. Eliezer, *ibid.*

[75] Sif. N. 80. Sif. Z. ad v. is similar, but Moses' argument is put thus: If you leave us, people will say the Jews rejected even the father-in-law of their own king, and converts will be discouraged; whereas if you join us, the missionary movement will be advanced. Further your descendants will have a share in the Temple, the Torah and the future reward of the pious.

[76] Sif. Z., Mishnat R. Eliezer, *loc. cit.* [77] Meks.

[78] Mek. Amalek 4 on 18.27; MRS, *ibid.*, 91-2; Sif. N. 78; Sif. Z. to 10.32; Mishnat R. Eliezer, p. 304-5; Tan. B. Yitro 4; Tan. N. Vayakhel 8, and see below. Cp. also Tillim 1.18.

[79] The sources cited in the previous n., also Sif. D. 352 and Mid. Tannaim 217 on 33.12; ARN I, 35.53a; Tem. 16a. In MRS 92 (cp. Hoffmann's n.) Jabez is regarded as a *descendant* of Jethro; probably some error here. See also SER (5) 6.30-31.

[80] See previous nn., also Sif. N. 81.

[81] Sif. Z., *loc. cit.*

[82] See previous nn., esp. Sif. N. 78, and cp. Ch. IX, n. 7.

[83] G III, 380; VI, 133 f., n. 782, 783.

[84] PRK Bahodesh ‡118, Tan. B. Yitro 11.

[85] PRK, *ibid.*, ‡48, 63. [86] *Ibid.*, ‡78.

[87] E.g., Cant. R. 1.15. In Tillim 9.11 Ruth and (very exceptionally) Zipporah are also named. In PR 35.161a, 40.167b, converts are witnesses against the unconverted heathen on the day of judgment: Ch. IX, n. 36. See also both Tanhumas, Yitro, and Ex. R. 27, *passim.*

[88] Bacher, *AT* I, 1, pp. 48 ff. He finds that as a rule, R. Joshua is more the exegete, R. Eliezer of Modin the homilist; but sometimes the roles are reversed.

[89] Cant. R. 6.8; cp. SER 4.17.

[90] Philo, *Life of Moses* I 27; Yonge, Vol. III, p. 33.

[91] Sif. N. 85 ad v., Tan. B. Behaaloteka 27; Tan. N., *ibid.*, 16; Num. R. 15.24. See Bacher, *AT* II, 2, p. 157, n. 16.

[92] Lev. R. 27.8; PRK Shor O Kesev ‡80; Tan. B. Emor 15; Tan. N., *ibid.*, 11. In Tan. N. Tissa 21 God condemns Moses for his excessive tolerance in accepting the mixed multitude, and the same explanation of Ex. 32.4 is given. Ginzberg VI, 137, n. 799 quotes, presumably from Sanh. 82b, a statement that the sinners who were seduced by the Moabite women were sons of the mixed multitude by women of the tribe of Simeon; but I cannot locate this statement either in Sanh. or elsewhere.

[93] Sab. 55b-56a. For R. Samuel B. Nahman's own attitude toward proselytes, cp. Ch. IX, n. 35.

[94] *HUC Annual*, Vol. X, pp. 223 ff., esp. p. 245 and n. 113.

[95] Emor Parashah 14 on v. 10.

[96] G III, 239-240; VI, 84 n. 451. SER (29)27.146 states that Israel quarreled with the proselytes in the wilderness (apparently over the right of the latter to sacrifice—so G III, 285) whereupon God commanded Moses to quote Num. 15.15-6 to the people.

[97] Sec. 7 above.

[98] Mek. Amalek 3 on 18.1; MRS p. 85; Zeb. 116b, variants. The implication is that these devices, by which she saved the spies, had previously been used in her profession. The prints of MRI, however, read: "I sinned in three things: in regard to observing the *Niddah*, separating the dough, and kindling the Sabbath light."

[99] Sif. N. 78 on 10.29; similarly, Sif. Z ad v., which paints Rahab's character in the blackest colors; Meg. 14b, and see next n. Ruth R. par. 2, beg., enumerates also Ezekiel and Buzzi as descendants of Rahab. Num. R. 8.9 stresses the thought that her female descendants married into the priesthood, and enumerates the eight figures as priests, not as prophets; cp. Ch. IX, n. 7. See the n. of Straschun ad loc. Ps.-Seder Eliahu Zutta 22.37 states that she was the ancestress of seven kings and eight prophets. Other brief ref., PR 40.17b; Til. 9.11; Ex. R. 27.4; Mishle 3.21, G III, 443; VI, 151 n. 902 states that before his death Moses beheld Rahab and the line of prophets issuing from her, but I have not found this in the sources which he cites.

[100] Meg., *loc. cit.* Tosafot, *ibid.*, s. v. *de-iggayerah* supposes that she could not have been one of the "seven nations" with whom intermarriage is forbidden even if they are converted (Yeb. 76a); but see n. 134.

[101] See G VI, 171, n. 12, which also gives a different view. Josephus speaks of her not as a harlot, but as an innkeeper: Ant. 5.1.1; see also Targ. Josh. 2.1; Ez. 23.44. Cp. above, Ch. V, n. 95.

[102] p. Ber. 4.48b; p. Sanh. 10.2.28c; Eccl. R. 5.6. G IV, 274; VI, 367, n. 76.

[103] The Gibeonites, who come next in chronological order, will be treated below in section 10.

[104] Tan. B and N. Vayehi 14; Nazir 23b; Sotah 47a; Sanh. 105b; Horayot 10 bot.; Targ. Ruth 1.4—the authority is probably R. Jose b. R. Hanina. Ruth R. 1.4, R. Reuben, states that Orpah was also a daughter of Eglon. See G IV, 31; VI, 188, n. 39.

[105] Tan. B. Behar 8, Tan. N., *ibid.*, 3, anon; Ruth R. 1.4 (a baraita of R. Meir?); Targ. Ruth, *ibid.*, which states that the sons transgressed the law of God by marrying foreigners. On the other hand, Ruth Z. 1.4 and 1.7 *seem* to suggest that Ruth was converted previous to her departure from Moab, a view made plainer in some later works. See G VI, 188-9. See below, nn. 117 ff. On the halakah, see Ch. V, sec. 12.

[106] Ruth R. 1.8, R. Hanina b. Ada; G VI, 189, n. 42.

[107] *Ibid.*, 1.7.

[108] G IV, 31; VI, 190, n. 44.

[109] Yeb. 47b, R. Elazar (unless the section is inserted into his remark): Targ. Ruth ad vv; Mishle, end. On the last two sentences, see m. Sanh. 6.5, 7.1. The interpretation in Ruth. Z. ad vv. is similar, save that the laws against sexual immorality are mentioned instead of the 613 commandments.

[110] There is a play here on *me-aharayik*.

[111] Ruth R. to the v.; v. 17 is interpreted with reference to the criminal law as in the sources previously cited. A different interpretation of v. 16 is given by G IV, 32; VI, 190, n. 47, from a Midrash fragment, published by Hartmann, to which I have not had access.

[112] Ruth Z. 1.12-18. The text at the end seems a trifle confused. The wealth Ruth foreswore to follow Naomi mentioned, Mishle 31.30. In Sif. N. 78 on 10.29, God promises Ruth that she will be the ancestress of kings as her compensation for abjuring her royal rights in Moab. Brief ref., Sif. Z. to 10.29.

[113] See Lévi in *REJ*, Vol. 53 (1907), p. 60, n. 1; above, Ch. IV, n. 4.

[114] Ruth R. to the v., but the comment is attached to 1.18.

[115] See G IV, 32-34, and corresponding nn. in VI, 190-194.

[116] Sab. 113b; Ruth R. and Z. 2.5-6; G VI, 191, nn. 50-1. Ruth R. remarks that she had learned her good ways from Naomi.

[117] Targ. Ruth 2.11-13 and see following nn.

[118] p. Yeb. 8.3.9c; PRK Nahamu ‡1-11. In the Midrash-fragment published by Hartmann, Ruth mentions the fact that Timna, though of royal blood, had been rejected by the Israelites (above, n. 28) and a voice from heaven tells Boaz that only males are excluded by the Deuteronomic law; G IV, 32-3; VI, 191, n. 53.

[119] Targ., *ibid.*; PRK, *ibid.*, ‡12 ff.; Sab. 113b; Ruth Z. 2.13. G VI, 191, n. 54.

[120] Ruth R. 4.1-2, 5. G VI, 193, n. 64.

[121] Ruth R. 2.5; Mid. Samuel 22.1.

[122] Yeb. 76b-77a. The legend is also found in patristic sources, G VI, 252-3. See also *ibid.*, IV, 75, 88 f. The story of Ithra is an explanation of the divergent readings in II S. 17.25 and I Chr. 2.17. A different explanation, below, n. 124. Cp. also Tillim 4.9.

[123] Their conversion was foretold to Abraham, Yeb. 63a; to Lot, Gen. R. 41.4, 50.10; to Moses, BK 38ab, where they are called "two good doves." Other references to Ruth, BB 91b; Gen. R. 88 end, where the reading *gerah* instead of the usual *gioret* occurs. (This entire section missing in some mss., see Theodor.)

[124] Ruth R. 1.22, parashah 4 beginning; Tillim 9.11; p. Yeb. 8.3.9c,

where the name of Isaiah is substituted for that of Jesse. This is an error due to the use of quotation from Isaiah. In the aggadah characters frequently cite sections of Scripture that did not exist in their time. Hershberg's observation on this point (see below) is therefore not quite accurate.

[125] *APA,* Vol. I, p. 500, n. 2, and 520, n. 2.

[126] *HaTekufah,* Vol. 12, p. 148, n. 3. Dr. Mann calls this theory "fanciful." See also G VI, p. 253, n. 45.

[127] See II S. 1. The sources are cited in Ch. III, n. 15. It should be added that the Amoraic midrashim contain statements that the man was Doeg, or the son of Doeg.

[128] Git. 46a, the Rabbis, in reply to Joshua b. Levi who has a different explanation.

[129] p. Kid. 4.1.65b; p. Sanh. 6.8.23c bot. Later in these two passages it is stated that Joshua definitely rejected them. In Yeb. 79a bot., it is stated that Joshua barred them from entrance to the congregation during the time when the Temple should be in existence.

[130] Yeb. 78b bot.; BK 109a; Lev. R. 22.6; Num. R. 5.3, 8.4.

[131] p. Kid., *ibid.,* 65c, and Sanh., *ibid.,* 23d; Tan. B. Bemidbar 31; Tan. N., *ibid.,* 25; Mid. Samuel 28.6, 7.

[132] Yeb. 78b-79a; p. Kid. and Sanh., *ibid.;* Num. R. 8.4; Mid. Samuel, *ibid.;* Tillim 1.10.

[133] All sources in previous n. except Num. R.; also Gen. R. 20.5. According to R. Jose, Nethinim will be purified by God; opposed by R. Meir; t. Kid. 5.4.

[134] Sif. N. 78 and Sif. Z. to 10.29. Similarly, Num. R. 5.3; Tan. B. Bemidbar 31; Tan. N., *ibid.,* 25.

[135] Mid. Samuel 28.5. Cp. n. 35.

[136] Num. R. 8.4. Ex. R. 19.4 argues that if God did so much for converts made out of fear and acting craftily, He will do far more for sincere converts. Cp. Ch. IX, n. 10.

[137] Yeb. 79a; similarly, p. Kid. and Sanh., *loc. cit.;* Mid. Samuel 28.6; Num. R. 8.4. The figure of 150,000 is derived from I K. 5.29, it being assumed that these menial laborers could not have been born Jews; b., *ibid.* This incident was used by Esther as a precedent for leaving the bodies of Haman and his sons exposed on the gallows: Targum Sheni Esther 9.24. Concerning the Gibeonites, see G IV, 10, 110-111, 444; VI, 178, n. 35; 269-270, nn. 114-117; Weil, pp. 67 ff.

[138] On the name, cp. Josh. 9.27.

[139] Kid. 1.4.65b.

[140] Yeb. 76a bot.

[141] This is already found in the Bible: I K. 11. For the Rabbinic legends, see G IV, 128 f.; VI, 279-282, nn. 11-16.

[142] p. Sanh. 2.6.20c; Num. R. 10.4; Cant. R. 1.1 (paragraph 10).

See Maim. Issure Biah 13.14, *ibid.* Dr. Ginzberg remarks: "The difference of opinion concerning Solomon's marriages reflects not only the difference in estimating Solomon's character, but also in the attitude toward intermarriage." (VI, p. 282.) But I am inclined to think that only the first factor mentioned is significant here.

[143] Yeb. 77a. [144] G IV, 170-1; VI, 300 f., nn. 89-91.

[145] Sif. N. 113; Sanh. 39b, R. Isaac (see next n.), Tan. B. Vayishlah 8, Samuel b. Nahman; Ag. Ber. 59.3, 4.

[146] Sanh., *ibid.*; Tan. B. Tazria 10, Lev. R. 18.2, R. Isaac (cp. previous n.); Tan. N., *ibid.*, 8. The Midrashim do not mention the proverbs, but apply Hab. 1.7 to Obadiah.

[147] Ag. Ber. 14.4. *Ibid.*, 59.4, states that he voluntarily submitted to circumcision.

[148] See G IV, 240-241; VI, 344, n. 6. Cp. above, Ch. VII, sec. 3.

[149] Mek. Amalek 3 on 18.11. Cp. n. 67.

[150] Git. 57b; Sanh. 96b; see Ch. VII, n. 22.

[151] Sanh. 74b-75a; p., *ibid.*, 3.6.21b; p. Shebiit 4.2.35a. The authorities vary.

[152] Tan. N. Vayikra 8 end; PRE 10.72 f., OM 219-20 (Midrash Jonah). All these versions are closely related and obviously late in style. See G IV, 250; V, 350, n. 33. On the expression "feared the Lord," cp. Ch. II, sec. 1.

[153] Tan. N. Vayesheb 2; PRE 38.299-302.

[154] Cp. above, Ch. VII, sec. 1; and see especially Friedlander's nn. to PRE. In SEZ 1.169 an entirely different reason is given for refusing converts from the Samaritans: because members of the ten tribes were absorbed by them! See also G VI, 361, n. 46.

[155] See OM 204ab, 205a, 208b.

[156] See Eisenstein's introduction, *ibid.*, 204a.

[157] Git. 57b; Sanh. 96b.

[158] p. Taan. 4.5.69b; PRK Echah ‡62 ff.; Eccl. R. 3.16; OM 98a (Apocalypse of Daniel). There are other legends found in Palestinian sources which presume that Nebuzaradan remained in the service of his king: G IV, 304, 311; VI, 396, n. 30, 399, n. 40.

[159] See especially Lam. R. 2.2 and 4.13 where the ordinary prints refer to N's repentance, but the text published by Buber does not. *Ibid.*, petihta 23, shows still more plainly the Babli influence in Buber's ed. as well as the older prints. So also Eccl. R. 3.16; 10.4.

[160] Of course, if the passage cited as a baraita is really such, the story originally came from Palestinian Tannaim; but sometimes the Babli errs in such matters.

[161] Sanh., *loc. cit.* Another legend, in which an angel stops Nebuchadrezzar from surpassing the Psalms of David, *ibid.*, 92b.

[162] Cant. R. 1.3; anonymous, *ibid.*, 1.15.

[163] See G VI, 480, n. 191; above, Ch. III, sec. 2.

PART FOUR

HISTORICAL MATERIAL

CHAPTER XI

THE PROSELYTES MENTIONED IN RABBINIC LITERATURE

The present chapter attempts to list all the proselytes who are mentioned by name, or regarding whom some particular incident is related in the Talmudic writings. We shall include also those who are reported to be descendants of converts, or who are represented as proselytes in some sources, though they were not so actually. A few instances in which modern writers have mistakenly supposed certain figures to be converts will also find place here.

In many cases, these converts appear in connection with matters bearing directly on the theme of our study. Such material will be treated in detail; in other cases the reference to converts is incidental, but the number of such references is in itself significant. That so many converts were prominent enough to be mentioned in the Rabbinic literature is an important historical datum. We cannot doubt that if so many merited special note, the number who were not eminent and who had no unusual problems to require the attention of the Rabbis must have been very large.

We shall include only figures who lived in the Talmudic period and who are mentioned in Rabbinic literature. From other sources we learn of a good many other proselytes. We must name in passing the famous Zealot leader, Simon bar Giora, (that is Simon son of the proselyte) who played so prominent a role in the revolt against Rome and was thrown from the Tarpeian rock after the triumph of Titus.[1] There are several converts mentioned in the New Testament, notably Aquila of Pontus, concerning whom we shall speak later.[2] The

patristic literature also gives us the names of some converts to Judaism otherwise unknown, and among them Zenobia, the famed queen of Palmyra—but this is almost certainly a mistake.[3] Finally, inscriptions have given us further information about proselytes.[4] Since these extra-Rabbinic sources do not illumine the problems set for this study, we shall not consider them further.[5]

Tannaitic Period

1. Shemaiah and Abtalion. A baraita which occurs in a variety of forms states that descendants of Sisera, Sennacherib, and Haman became great teachers of Judaism. The usual readings indicate that it was Shemaiah and Abtalion, the religious leaders of Jewry in the generation before Hillel, who were descended from Sennacherib.[6]

The foreign descent of these two teachers is also indicated in an interesting tradition, which is introduced as a baraita and begins in Hebrew, but after the first sentence lapses into Aramaic! "It once happened that a High Priest left the Temple (after the Atonement Day service) and everyone accompanied him. When, however, they saw Shemaiah and Abtalion, they left him and followed Shemaiah and Abtalion. Finally the latter came to take leave of him. He said to them: Let the sons of the Gentiles go in peace!—They replied: Let the sons of the Gentiles go in peace that do the work of Aaron, but let not Aaron's son go in peace that doeth not the work of Aaron!"[7] This little episode, in which the bitterness between the Pharisees and Sadducees is so clearly expressed, gives every indication of being largely or entirely historical.

Finally, the treatment of Kurkemit the freedwoman by Shemaiah and Abtalion was explained by Akabya b. Mahalalel as due to the fact that they were proselytes.[8] This statement is found in the Mishnah and other early sources. There can thus be little doubt that Shemaiah and Abtalion were of foreign or partly foreign extraction,

though it seems most unlikely that they themselves were converts. Their alien origin did not prevent them from rising to the leadership of the Sanhedrin, nor from receiving great honor at the hands of the Pharisaic group.[9]

2. Converts of Hillel. Few aggadot are better known than that which tells of the three prospective converts who came, first before Shammai, then before Hillel.[10] The first offered to convert if he might learn only the written, but not the oral Torah. Shammai "rebuked him and dismissed him with scorn." Then he went to Hillel, who agreed to accept him as a convert.[11] Thereupon Hillel began to teach him the Hebrew alphabet; but when he came for his second lesson, the teacher reversed the order of the letters. By pointing out that we must rely on traditional authority even in such minor matters, he convinced him that we must also rely on tradition for the interpretation of Jewish law.[12]

The second heathen came to Shammai with the demand: "Convert me, if you can teach me the entire Torah while I stand on one foot.—He shoved him away with a builder's rule that was in his hand. Then he went to Hillel, who agreed to convert him, saying: What is hateful to thyself, do not to thy fellow. This is the whole Torah, the rest is commentary. Go learn!"[13]

The third heathen is depicted, not like the first two as defiant, but rather as naive. Passing by a school, he heard children studying the Biblical description of the high-priestly garments. Greatly impressed by this glittering account, he went to Shammai with the request that he be converted in order to become high priest. Shammai shoved him away with his builder's wand; and then the heathen went to Hillel. The latter accepting him, urged that he must learn the rules of etiquette before entering the presence of the King, and so he began the study of the Law. When he reached Num. 1.51, "And the stranger that draweth nigh shall be put to death," the neophyte

asked to whom the passage applied. Hillel answered: Even to David, King of Israel. Thereupon the convert reasoned to himself: If this prohibition applies even to born Jews, who are called children of God, how much more stringently must it apply to the convert who comes with his staff and his wallet.—Thereupon the proselyte went to Shammai and reproached him for not explaining the situation to him, and exclaimed to Hillel: "O gentle Hillel, blessings rest on thy head! for thou broughtest me nigh under the wings of the Shekinah." In the Abot de R. Nathan there are several variants of this story, and the interesting addition that the convert had two sons, who were named respectively Hillel and Gamaliel, and who were generally known as the converts of Hillel.[14]

Finally it is related that the three converts ultimately met and declared: "Shammai's irascibility almost drove us from the world; Hillel's gentleness brought us nigh under the wings of the Shekinah."[15]

Two mysterious figures, Ben Bag Bag and Ben He He, are represented in Abot 5, end, by pithy Aramaic proverbs, which are elsewhere ascribed to Hillel.[16] Further, Bar He He appears as a disciple of Hillel in the Talmud.[17] An old tradition identifies these two figures as one, who is said to have been a convert. The odd names are explained variously, as references to conversion, or to the episode of the alphabet mentioned above. This theory, though not implausible, appears only in medieval sources, but not in the Talmudic literature.[18]

The stories have been fully discussed by Lévi (pp. 10-11, 15-16), who makes several important observations. First, as they stand, they are not altogether historical. They show many of the characteristics of legend, particularly the symmetry of the narratives—in each case the heathen goes first to Shammai, who is armed with a builder's rule, and so on. Second, the whole point of the stories is the *difference in temperament* between the two scholars. Hillel's gentle patience is contrasted with Sham-

mai's hot and hair-trigger temper.[19] It is nowhere suggested that Shammai was hostile to converts as such; the stories show how his short temper interfered with the acquisition of proselytes, which it is assumed in the narratives is highly desirable.[20] Third, this assumption indicates that proselytism was regarded as important, not only in Hillel's day, but also when the baraita was composed, probably in the second or third century.

To this it should be added that the stories no doubt contain a kernel of historic fact. We need not question that the formulation of the Golden Rule was Hillel's own; for in style it closely resembles the other Aramaic proverbs ascribed to him. And though Shammai's temper may have been exaggerated for contrast, he *was* more of a rigorist than Hillel, whose gentle nature is surely not mere legend. We need not doubt that Hillel was eager for converts, nor that his personal charm and tact were of great use to him in winning them. One of his favorite sayings recommends us to "love mankind and bring them nigh unto the Torah" (Abot 1.12). Several examples are given of the manner in which he himself carried out the precept.[21] Neither the principle nor the examples mention converts specifically; they may also refer to the winning of born Jews to the intensive study of the Law as interpreted by the Pharisees. Quite probably the reference is to both: the promotion of education among Jews and the winning of new recruits. Though Hillel's temperament may have enabled him to achieve more than Shammai in this direction, there is good reason to believe that Shammai was in entire sympathy with his aims.[22]

3. Royal Family of Adiabene. In our introductory section we referred briefly to the greatest triumph of the Jewish missionary movement—the conversion of Izates, the king of Adiabene, his mother Helena, and other members of the family. Elsewhere we have referred to the

mistaken notions which some scholars have derived from the account of Izates' conversion, as told by Josephus (Ch. IV, nn. 43 ff.). We must now consider this episode more fully.

As Josephus tells the story, Helena and Izates were instructed in Judaism separately and without each other's knowledge. When Izates (who had been long absent from Adiabene, and returned only after his father's death to take the throne) discovered his mother's penchant for Judaism, he was overjoyed, and decided to be circumcised forthwith. But his mother, as well as his instructor, Ananias (Hananiah) were both dismayed at his zeal, fearing that formal acceptance of Judaism by the king might arouse popular resentment against him. Ananias, afraid that he would be held responsible in such a case, threatened to leave the country if Izates took this step: and so he was persuaded to compromise. Later, however, a Jew named Eleazar visited the king and found him reading the Torah. Assuring him earnestly that study of the law is ancillary to its performance, Eleazar easily persuaded the king to submit to the operation. The fears of Helena and Ananias proved, for the time being, groundless; there was no outbreak against Izates. Thereupon Helena went to Jerusalem. Arriving in a time of famine, she laid out large sums of money to purchase food for general distribution, which were later supplemented by her son. Josephus promises to detail at another time the benefactions bestowed on Jerusalem by this family, but does not seem to have done so (Ant. 20.2). Meantime, Monobaz, the elder brother of the king (who had ruled in the interim between their father's death and Izates' return home), and other members of the family embraced the new faith. The nobility now began to show resentment at this turn of affairs, and invited, first the king of Arabia and later the Parthian king to take over the government of their country. But Izates, ardently pious, appealed to God for help, and succeeded in triumphing over his enemies. He died

at the age of fifty-five and was succeeded by his brother Monobaz. When Helena learned of the death of Izates, she returned to Adiabene, where she died soon after. Monobaz sent her remains and those of Izates to Jerusalem for burial (*Ibid.*, ch. 4).

As might be expected, the Rabbinic sources make frequent mention of these royal converts, who must have been a source of great pride to the Jewish teachers. For not only did their conversion give prestige to Israel, but they were conspicuous for their piety and their generosity. Strangely enough, the Talmudic literature rarely mentions the fact that they were converts. Izates is only mentioned once to my knowledge, whereas the name of Monobaz occurs frequently.

The Midrash tells that Monobaz and Zoitos (the spelling of the name varies, but the reference is plainly to Izates) were the sons of King Talmai (Ptolemy). (According to Josephus, the father's name was Monobaz.) They were once studying the book of Genesis together; when they came to 17.11, in which circumcision is commanded, they each turned away and wept. So each circumcised himself secretly. When on another occasion, they read the same Biblical passage, one said to the other, "Alas for thee, my brother!" and was astonished to receive the reply, "Alas for thee my brother, not for me." And so the matter came to light. Then their mother sent a message to the king, saying that the sons were suffering from sores, and that their doctor had advised circumcision. The father gave his consent, and was rewarded for his good will. For later on, says R. Phinehas, his enemies almost trapped him, but an angel descended and saved him.[23]

The Midrash indicates that the events reported by Josephus were still treasured in the memory of the people, even though they were somewhat confused. The resemblances to the narrative of Josephus, as outlined above, are more significant, perhaps, than the discrepancies.

Aside from this, the Adiabenian rulers are represented

as models of piety, but nothing much is said of their foreign origin. Thus we are told that, due to a combination of circumstances, Helena lived as a Nazirite for twenty-one (according to R. Judah, only fourteen) years.[24] We also learn that she had a very tall Sukkah set up in Lydda, with the approval of the scholars.[25] The members of the house of Monobaz used to carry a mezuzah with them while traveling, which was fastened to a staff and set up in the inns where they stayed overnight.[26]

The Temple received from Helena a lamp of gold, and also a golden plate on which the section concerning the *Sotah* was inscribed. Monobaz provided funds that all the vessels used in the Atonement Day service might have gold handles.[27] The distribution of large sums for relief during a time of drought, which Josephus reports of Helena, is ascribed in Rabbinic writings to Monobaz. In this famous passage, Monobaz nobly justifies the dissipation of his ancestral fortune.[28]

As we learn from Josephus (above, Ch. II, sec. 2), the descendants of this royal family remained loyal to Judaism after the original converts had passed away; and several of them took part in the war against Rome. Later we hear of a disciple of Akiba who bore the name of Monobaz, and who is mentioned several times in the literature.[29] It has been generally supposed that this Monobaz was a descendant of the king of the same name.

The history of Adiabene and its rulers has been dealt with very thoroughly by Brüll,[30] who has not only utilized the reports in Josephus and the Rabbinic sources, but the other information available from classical writings. Graetz has made the interesting suggestion that Paul was converted to Christianity during the sojourn of Helena in Jerusalem, and supposes that her presence inspired in the enthusiastic young man a belief that the Messianic age was rapidly approaching and that some means of converting the heathen *en masse* must be found.[31]

4. Nablatah Family. A baraita that seems to be quite old tells of a certain family that traced its ancestry back to Araunah the Jebusite (II Sam. 24.16 ff.). The name of this family is given in widely divergent forms in different sources: Nablata or Nablatah are those most frequently found. Apparently the family had fallen on evil days; and the sages provided them with a huge sum in gold, that they might not be forced to leave Jerusalem.[32]

This tradition has been the subject of a highly original theory of Graetz, which is, however, not convincing.[33] By study of the various texts, he concludes that the name of the family was Agathobul, i.e., that in origin they were probably Greek. This, it seems to me, is an assumption not supported by the evidence.

From the statement that they traced their descent from Araunah, Graetz supposes that the family were comparatively recent converts, and that the sages feared that their departure from Jerusalem would result in their loss to Judaism. He argues further that this must have been at a time when the Jews were excessively eager to hold the loyalty of every possible man, that is when the struggle for independence was brewing. Moreover the action of the sages was justified by the type of Biblical exegesis first popularized by Hillel, so that the episode dates from some time after Hillel, which again brings us to the first Christian century. It was just at this time that Helena of Adiabene was coming to Jerusalem, and quite probably the sages were motivated by the desire to make an excellent impression on their royal convert.

But it seems to me that the family—whatever their name—are proved to be of old Jewish standing by their tradition of descent from Araunah. Although neither the Bible nor the aggadists represent the Jebusite as a formal convert, it must have been assumed that the marvels he witnessed on his own threshing-floor inspired him to worship the Deity who caused the plague and then stopped it before his very eyes. The tradition of this family that

they were descended from Araunah suggests not that they were recent converts, but that *far back in their history* they had had non-Jewish ancestors.

They are not therefore to be considered a "Proselyten-Familie." The episode does not imply that converts received preferential treatment, but—as shown by the context in which it occurs—illustrates the Rabbinic dictum that special generosity must be shown to those who, after possessing great wealth, have become impoverished.[34] It does show, however, that people were not ashamed, but rather proud, to trace their descent from converts.

5. Abba Saul b. Batnit, etc. Derenbourg has called attention to the unusual names of three Tannaim: Abba Saul b. Batnit, Johanan b. HaHoranit, and Jose b. Durmaskit. We cannot regard Batnit, etc., as patronymics; they are feminine in form, and refer to places. They mean, respectively, the woman of Batan, of Horan, and of Damascus. Why were these men called after their mothers, according to their place of origin? Because they were converted by their mothers, probably without their fathers' approval, and then sent up to Jerusalem to be educated. This theory is corroborated by the report in Josephus that the Gentile women of Damascus were deeply interested in Judaism.[35]

It cannot be said that this theory is well proved, and Derenbourg himself calls it merely "wahrscheinlich." I should call it rather "unwahrscheinlich." Regarding Abba Saul b. Batnit we learn that before his death he asked to be buried at his father's feet.[36] Moreover we find that one of his *male* descendants bore the name of Batnit.[37] Batnit is apparently not a place name.

Beyond question, Horanit and Durmaskit *are* place names (as indicated among other things by the definite article before the first); but even here, Derenbourg's theory does not hold water. In some sources, Johanan is called b. HaHorani, son of the *man* of Horan.[38] So we can only say that he was called by the name of his parents'

town, rather than by his father's proper name: this hardly proves him a convert.

As for R. Jose b. Durmaskit[39] he himself states that he came from Damascus.[40] But nowhere do we find among the fairly extensive references to this Tanna a hint that he was of Gentile birth.[41] Occasionally we meet in Talmudic literature with men called by their mother's name instead of their father's,[42] without their being stamped as converts.

Equally dubious is Derenbourg's assumption[43] that a certain Miriam of Palmyra who took the Nazirite vow was a convert, because she was from Palmyra and because convert women were especially addicted to such special displays of piety.[44] The second argument proves nothing: not all those who took the vows were converts. And Miriam's Palmyrene origin is—if anything—rather presumptive evidence that she was not a convert (see Ch. III, sec. 3). In short, Derenbourg has made out no case in any of these instances.

6. Nero. The Babli contains a lengthy and fantastic account of the fall of Jerusalem, which is attributed to the slanders sent by one Kamza to "Caesar Nero." The latter came toward the city and found that if he shot an arrow in any direction, it was miraculously guided so that it fell into Jerusalem. Then he met a child whom he commanded to recite the Bible verse he had learned that day. The child responded with Ez. 25.14: "And I will lay My vengeance upon Edom by the hand of My people Israel," which is understood to mean that Rome will incriminate herself by acting as the instrument of God's punishment of Israel. Thereupon Nero exclaimed "The Holy One wants to destroy His house and He wants to 'wipe His hands' on me!" Unwilling to be the guilty agent of divine wrath, Nero fled and became a convert; and R. Meir was a descendant of his.[45]

This legend in its present form is Babylonian and late; it need hardly be added that it has no historical founda-

tion[46] though Nero's wife Poppaea was sympathetic to Judaism (above, Ch. II, sec. 2).

R. Meir's origins are very obscure, and quite possibly he was of foreign birth. According to Brüll[47] the story of his descent from Nero is based on nothing more substantial than the resemblance between *Norai* (Nehorai)—a name sometimes applied to R. Meir—and *Nero*. Bacher regards the story rather as an expression of the view that extols the conquering power of Judaism, which brings forth great Jewish teachers from the very enemies of Israel.[48]

7. *Temple Guards.* A Tannaitic report runs: "There were soldiers guarding the hinges in Jerusalem who took ritual baths and ate their Paschal sacrifices the same evening."[49]

The meaning of "hinges" (*tzirim*) in this passage is not certain; but it is generally supposed that it refers to the Temple gates. The supposition of the Yerushalmi commentators to Pesahim that these guards were Jews is not reasonable; and R. David Frankel revised his opinion, and in his commentary to Nazir states that these soldiers were heathen who had just been converted. This view is held by Jastrow (s. v. *tzir*) and is championed vigorously by Büchler,[50] who points out that the Greek word *stratiotai* used in the passage always refers to foreign soldiers. In explanation of the "hinges," he remarks that on the three festivals, Roman guards were placed on the colonnades encompassing the Temple mount, and our passage may refer to them.[51]

We have here an ancient report that some of the Roman soldiers stationed around the Temple to preserve order during the holiday period, when hosts of Jews from all over the world gathered in Jerusalem, themselves converted to the Jewish faith. The historicity of the report is attested by two facts. First, the conversion of the soldiers is only mentioned incidentally in a halakic argument—the passage is neither boastful nor propagandistic in intent.

Second, we have the testimony of Dio Cassius as to the great impression made on the Roman soldiery by Judaism in general and the Temple in particular. This pagan historian reports that during the siege of Jerusalem, a number of the Roman soldiers were so moved by the heroism of the defenders that they went over to their side. He relates furthermore that even after the Temple area had been captured by Titus, the soldiers held it in such awe that for a long time they would not enter it.[52]

That soldiers of the Roman power, the hated representatives of an alien authority, should have been won over to Judaism is a remarkable testimony to the zeal and religious enthusiasm that marked the annual assemblage for the celebration of Passover.

8. Pretended Proselytes. A highly interesting report tells of an occasion when the Roman government sent two commissioners to acquaint themselves with the Torah, presumably to see if it contained anything objectionable from the Roman standpoint. These officials feigned that they were proselytes, and presented themselves to R. Gamaliel at Ussha, where they studied all branches of the written and oral Torah. Finally they revealed their true character, but admitted that the entire Torah was admirable, with the exception of a few laws discriminating against the Gentiles.[53] There are three other versions of this baraita, all different, but none of them states that the Roman officials pretended to be converts. They report simply that they studied the Torah by order of the government.[54]

Graetz has evaluated these reports very carefully, so far as their historic significance is concerned. The reign of Domitian, during which R. Gamaliel flourished, is the time when we would expect denunciations against individuals or groups; and it was probably as a result of such a secret attack that the authorities arranged for this inquiry. Fortunately, it led to no bad results.[55]

But it remains uncertain whether these investigators pretended to be converts or not. At any rate, there is no evidence that such an occurrence led the Rabbis to any greater suspicion of candidates for conversion, still less of reluctance to accept them.

9. Beluria. The name of this distinguished woman convert appears in various forms: Beluria, Beruria, Beruziah. Some scholars regard it as equivalent to Valeria; but Graetz has identified Beluria with Veturia Paula (or Paulina) whose tombstone has been found in Rome. She was converted to Judaism at an advanced age, took the name of Sarah and was known as "Mater Synagogarum."[56] There is a good deal to commend this identification, though it does not seem to me beyond question. Incidentally, the custom of conferring a new name on converts, which later became standard in Judaism, seems in our period to have been customary only in the Diaspora.[57] In Rabbinic sources I have found nothing except the aggadah which tells that many converts of Abraham bore his name.[58]

In Talmudic works, "Beluria" is mentioned chiefly in connection with the problem created when her slave women took ritual baths in her presence (above, Ch. V, n. 193). Elsewhere, she is represented as asking Rabban Gamaliel about the apparent contradiction between Num. 6.26 and Deut. 10.17, her question being answered by R. Jose the Priest.[59] The identification of Beluria with Veturia Paula appears to involve the rejection of this tradition as unhistorical. Rabban Gamaliel indeed visited Rome with several of his colleagues; and on this occasion the problem of her slaves might have "come before the sages," and she might have sought help in understanding Scripture. But there is no record (to my knowledge) that R. Jose the Priest was among the scholars who went to Rome.[60]

In any event, Beluria is represented as a woman of means, possessing a considerable number of slaves.

10. Judah the Ammonite. We have already considered the reports concerning Judah the Ammonite convert, who sought permission to "enter the congregation," i.e., to marry a Jewess, and after some debate, was granted this right (above, Ch. V, n. 70).

11. Supposed Convert of R. Joshua. The Midrash to Ecclesiastes reports that a woman once came to R. Eliezer to convert. He asked her to recount her former actions, whereupon she confessed that her older son was the father of the younger son. R. Eliezer therefore rejected her; but on application to R. Joshua, the latter accepted her. Joshua's pupils were shocked at this; but he defended himself by saying, "Since she decided to convert, she will not live forever, as it is said (Prov. 2.19) 'None that go unto her return'— and if they repent, (*ibid.*) 'they do not attain unto the paths of life.' "[61]

This passage occurs in a context dealing not with conversion, but with heresy (*minut*), and the commentators understand the woman to have been a penitent heretic. Hence the demand that she confess her misdeeds—a demand that would hardly be made of a prospective convert (Cp. Ch. V, n. 12).

As a matter of fact, the episode is probably an unhistorical variant of a similar incident in which the authority is R. Hisda.[62] Here the woman is plainly stated to have been a heretic; and the opinion is laid down that a penitent *min* soon dies.[63]

In short this incident has no bearing on our theme; and the references to it by Weil and Bacher[64] are mistaken.

12. "Ketiah b. Shalom." A baraita[65] states that the doom of the rulers of Edom pronounced in Ez. 32.29 does not apply to Antoninus (below, sec. 25) and to Ketiah b. Shalom. The Gemara then inquires about the latter and the following story is related: "There was a Caesar who hated the Jews. He said to the eminent of his kingdom:

If one has dead flesh (*nima*) on his foot, should he cut it off and be cured, or should he leave it and suffer?—They said to him: He should cut it off and be cured.—Said Ketiah b. Shalom to them: First, you will not prevail against them, for it is written (Zech. 2.10) 'I have spread you abroad as the four winds of heaven': just as the world cannot dispense with the four winds, so the world cannot dispense with Israel. Besides, they will call you the Destructive Kingdom.—He said to him: You have spoken well; but he who vanquishes royalty must be cast into a hollow furnace.—As they were taking him away, a certain matron said to him: Woe to the ship that sails without paying toll!—Thereupon he cut off his foreskin (some text difficulty here) and said: I pay my toll, I pass and go through.—When they were about to throw him (into the furnace) he said: (I leave) my property to R. Akiba and his colleagues. . . . A heavenly voice came forth, saying: Ketiah b. Shalom is invited to the life of the world to come."

It is apparent that the name given here to the martyr-convert is fictitious. It means: the cut (circumcised) one who obtained peace. The verb *kata'* (to cut) is repeatedly used through the whole story.

Another report found in a Midrash must be connected with this story. Here no name is given to the heathen official, and the incidents are quite different; but there are numerous points of contact. "It once happened that our Rabbis were in Rome: R. Eliezer and R. Joshua and R. Gamaliel. Now the Council of the King made a decree; Thirty days hence there shall be not a Jew in the world.—But there was one councillor of the King who feared Heaven. He came to R. Gamaliel and disclosed the matter to him. And our Rabbis were greatly troubled; but the fearer of Heaven said to them: Be not troubled: within thirty days the God of the Jews will rise in their behalf.—After twenty-five days had passed, he disclosed the matter to his wife. She said to him: Lo, twenty-five days have

passed!—Said he: There are still five days left.—But his wife was more righteous than he: she said to him: Have you not a (poison)-ring? Suck it and die. And the Senate will adjourn (following Luria's emendation) for your sake for thirty days; and the decree will become void.[66]—He hearkened to her, sucked the ring and died. Our Rabbis heard about it, and went to call on his widow. Said our Rabbis: Alas for the ship that sailed without paying its toll!—as if to say, this righteous man was not circumcised.—Said his wife to them: I know what you mean. By your lives, the ship did not leave till it had paid its toll.—And once she went into the chamber and fetched them a box containing evidence of the circumcision and bloody bandages.—So our Rabbis applied to him this verse (Ps. 47.10), 'The princes of the peoples are gathered together, the people of the God of Abraham; for unto God belong the shields of the earth.' What is meant by 'shields of the earth'? Said the Holy One: I became a shield of strength to Abraham . . . and afterwards he was circumcised. But to this one I had promised naught. What, then, is meant by 'greatly exalted'? This one is more greatly exalted than Abraham."[67]

It is a matter of historic record that Flavius Clemens and his wife Flavia Domitilla, who were closely related to Domitian and whose sons were intended for the imperial succession, were denounced and punished for impiety, because they leaned to "Oriental superstition." Flavius Clemens was executed, his wife banished. There is some doubt as to whether they were converted to Judaism or to Christianity. At any rate, Flavius Clemens has been plausibly identified with the pious Senator of the Midrash and with Ketiah b. Shalom.[68] We need not follow Graetz in his elaborate theory that the journey of the four Rabbis to Rome was expressly to be present at the conversion of this eminent patrician, and that a reference to the affair is preserved in the New Testament (below, Ch. XII, n. 3); but it is highly probable that in these Talmudic stories

there is a recollection, correct in essence even though confused in detail, of the conversion and martyrdom of a great Roman figure.

13. Akiba. The same baraita (above, sec. 1) which reports that Shemaiah and Abtalyon were descended from Sennacherib ascribes a distinguished heathen ancestry to R. Akiba. The readings vary; but no doubt the correct version should be: "One of the descendants of Sisera taught Torah in Bene Berak; and who was this? R. Akiba." (Hyman, III, 988.) Medieval authorities assert that Joseph, the father of Akiba, was a convert,[69] but this is not found in Talmudic sources. Brüll[70] suggests that the story of Akiba's descent is derived from the resemblance between the names of Barak, Sisera's conqueror, and Bene Berak, the seat of Akiba's school.[71]

14. Aquila-Onkelos. This is not the place for exhaustive treatment of the difficult historico-critical problem raised by the divergent reports concerning Akilas and Onkelos in Rabbinic literature and concerning Aquila (Aquila of Pontus) in Greek sources. The problem has been repeatedly discussed, and is perhaps not yet completely solved. Briefly, the difficulties are these:

It is known from patristic sources that Aquila, who made a slavishly literal translation of the Bible into Greek (of which we have numerous excerpts in the extant portions of Origen's Hexapla) was a convert to Judaism. Rabbinic literature also contains many examples of Aquila's Greek translation and states that Akilas translated the Torah under the supervision of R. Eliezer and R. Joshua. There are also various stories and other references to this "Akilas the Proselyte."

In several instances, reports about Akilas appear in variant forms in which the convert is called Onkelos. Further, the standard Aramaic translation of the Pentateuch is usually called Targum Onkelos. Particularly in Babylo-

nian sources do we find narratives regarding Onkelos the convert. There is therefore a strong inducement to regard Onkelos as merely a variant of the name Aquila. However, in several passages Onkelos is represented as a disciple of R. Gamaliel the Elder. It is impossible that he should have been a disciple of Gamaliel and also a pupil of Eliezer and Joshua, several generations later. Either some of the sources must be rejected or emended, or else Aquila and Onkelos were two (at least) different individuals.[72]

The last word has not been said on the subject, I believe; but in the present state of the problem, it seems to me that the thesis of at least two proselytes, one named Aquila, one named Onkelos, is correct. This view likewise involves the rejection or emendation of some texts; but it appears to me the most plausible. For the rest the Rabbinic material will be presented, and the reader may then judge or suspend judgment, as he prefers.

"R. Jeremiah n. R. Hiyya b. Ba: Akilas the convert translated the Torah before R. Eliezer and R. Joshua," and they praised him.[73] Numerous specimens of Aquila's Greek renderings are found in Rabbinic literature.[74]

An interesting suggestion is made by Friedmann regarding the slavishly literal character of Aquila's Greek rendering. Aquila was, according to patristic reports, first converted from paganism to Christianity; and had made his acquaintance with Scripture through the Septuagint. Having heard that this rendering is unreliable, he learned Hebrew and ultimately became a Jew. Then he made the results of his studies available to other heathen; his rendering was literal in order to serve as a sort of "crib," so that the prospective converts and other heathen might more easily learn the original Hebrew.[75]

Akilas took Sabbatical fruit to his servants in Pontus.[76]

Concerning Aquila's conversion, the Midrash relates: He was a nephew of Hadrian, and desired to become a Jew, but was restrained by fear of his uncle. He therefore announced that he wished to become a trader, not so

much for money as to understand human psychology. Hadrian approved the project and advised his nephew to purchase only such goods as were available at rock-bottom prices; for they would surely enhance in value. Aquila went to Palestine, converted, and devoted himself so assiduously to study under R. Joshua and R. Eliezer that his appearance changed completely. When he returned to Rome, Hadrian noticed the change at once; and when he inquired Aquila told him the truth: he had studied the Torah and been circumcised. To Hadrian's reproaches, Aquila answered that he had followed his uncle's advice, buying goods at rock bottom; for there was no nation whose stock had sunk so low as Israel's, "but their value will rise." Hadrian objected that he might have satisfied his curiosity regarding the Torah without submitting to circumcision. But Aquila answered (quoting Ps. 147.19 f.) that only one who accepts the Jewish faith can properly comprehend the Word of God.[77]

A religious discussion between Aquila and his teachers appears many times in Midrashic literature. Perhaps the oldest form of the discussion runs thus: "Akilas the proselyte approached R. Eliezer and said to him: Is this the whole reward of the convert—what is written (Deut. 10.18) 'and He loveth the stranger, to give him bread and raiment'?—He answered him: Do you then hold so lightly the thing for which the Elder (Jacob) made supplication: 'if the Lord . . . will give me bread to eat and raiment to put on' (Gen. 28.20)? Now this fellow comes and treats it with contempt!—Thereupon he approached R. Joshua, who comforted him thus: 'bread' means the Torah, as it is said (Prov. 9.5), 'Come, eat of my bread.' 'Raiment' means a *tallit*: when one has acquired the merit of (knowing) Torah, he merits (to fulfill) the commandments. Furthermore, they (converts) marry their daughters to the priesthood, and their grandchildren offer burnt-offerings on the altar: 'bread' means show bread, 'raiment' the priestly robes.—This applies to the Temple; what

about the 'boundaries' (i.e., outside the Temple area? There) 'bread' means the dough-offering, 'raiment' the first of the shearing (which belong to the priests)."[78]

Of the aggadot relating to Akilas, we may mention his discussion with Hadrian as to the power of the spirit,[79] and his inquiry as to why circumcision is not mentioned in the Decalog.[80]

So much for the sources in which the correct reading is probably Akilas. Regarding Onkelos who is associated with the elder Gamaliel we have first, several beraitot which relate that while the famous teacher was most meticulous in matters of ritual purity, Onkelos far exceeded him in punctiliousness.[81] Second, there is a report that when Gamaliel died, Onkelos burned valuables worth seventy Tyrian Minae.[82] Another version, which places the amount burned at an even higher figure, adds that Onkelos was asked the reason for his action, and replied: "It is written (Jer. 34.5): 'with the burnings of thy fathers, the former kings that were before thee, so shall they make a burning for thee.' Is not R. Gamaliel better than a hundred kings, of whom there is no need?"[83]

In full consonance with the zeal indicated by these reports is another, in which R. Gamaliel does not appear. "Onkelos the convert shared an inheritance with his brothers. He dealt strictly with himself and cast his portion into the Dead Sea."[84] We have seen (Ch. V, n. 161) that the Rabbis permitted a convert to take his share of his heathen father's estate; this was a concession to the proselyte to which he was not entitled by strict law. The baraita seems to mean that Onkelos in his single-hearted devotion to his new religion, refused to profit by this concession. In the Palestinian Gemara, however, the passage is reproduced with notable variants and with three divergent explanations. The convert is here called Akilas,[85] and he is said to have cast the enjoyment (*hanayah*, i.e., monetary equivalent of a valuable) into the Dead Sea. The following explanations are given: 1, he threw away

the value of the idol or, 2, of his share in the idol; 3, he cast away the idol itself, not only of legal necessity, but in order to root out idolatry from his father's house.[86]

Finally, two stories found only in the Babli, regarding Onkelos bar Kalonikos (or Kalonimos). One is a fantastic tale of necromancy; while considering whether he should become a Jew, Onkelos conjured up the spirits of Titus, Balaam, and Jesus of Nazareth (so in uncensored editions). He asked each of these whether he should join Israel: Titus urged him to persecute them, Balaam, not to seek their welfare; Jesus warned against harming them. Each of the spirits also related the punishment he was undergoing.[87] We have here one of the ugly and almost inexplicable aggadot which occur from time to time in the Babylonian Talmud, and which are so alien to the usual spirit of the Rabbis that Krochmal has devised a special theory to explain their presence.[88]

The other story is far different. It tells that when Onkelos b. Kalonikos was converted, "Caesar" sent Roman soldiers to arrest him. Onkelos however convinced them by Biblical citations that he was in the right and they became converts. Then Caesar sent another troop, with instructions not to discuss religion. Onkelos asked permission to speak of an ordinary occurrence. When a litter is borne through the streets, servants bear torches before and behind it; and if a high personage is travelling a lesser official bears the torch before him. "But does a *comes* ever carry a torch before the people?[89] They said to him: No.—He replied: Yet the Holy One carried a torch before Israel, as it is written (Ex. 13.21), 'And the Lord went before them by day in a pillar of cloud, to lead them the way, and by night in a pillar of fire.'—And they all became converts. Then Caesar sent still another troop for him, saying Do not talk with him at all.—As they were taking him away, he saw a *mezuzah* placed on the door, and touched it with his hand, saying to them: What is this?—They said: You tell us!—He said to them: Ordi-

narily a human king sits inside, and his servants guard him without; but as for the Holy One, His servants are inside and He guards them without, as it is said (Ps. 121.8) 'The Lord shall guard thy going out and thy coming in from this time forth even for evermore.'—These too were converted and (Caesar) did not send after him again."[90]

From all this, it becomes evident that regardless of the number of individuals who are referred to in the preceding, and regardless of the extent to which this material is historical—Aquila the translator of the Bible was an eminent figure in his time, treated with respect by his teachers and by the Jews generally. Of him (and perhaps of others) tales were told regarding his fidelity and zeal; and the people were not ashamed to attach the name of a proselyte to the official Targum of the Torah.

15. R. Johanan b. Torta. This scholar was a contemporary of R. Akiba, and is notable for the bluntness with which he challenged Akiba's Messianic dreams: "Akiba, grass will be growing out of thy cheeks and still he will not have come!"[91] One of his aggadot is preserved.[92]

A story found only in one of the later Midrashim represents him as a convert. An impoverished Jew had sold his cow to a Gentile. She plowed well for six days, but refused to work on the Sabbath. After beating her without result, the Gentile complained to the former owner. The Jew then whispered in the animal's ear: "Cow, cow, you know that when you were in my possession, you plowed on week days and rested on Sabbath. Now that my sins have caused you to enter the possession of a Gentile, I beg you to rise and plow." Whereupon the cow rose and started to work. The amazed Gentile asked for an explanation, and on learning it, he reflected: "If the cow which has neither speech nor reason recognized her Creator, shall not I, whose Maker formed me in His image and put reason in me, recognize my Creator?" And so he became a convert, and was known as Johanan b. Torta, i.e., son

of the cow, "and to this day our Rabbis report halakah in his name."[93] The legendary character of the story is obvious.

16. Executioner. The Talmud narrates dramatically the martyrdom of R. Hananiah b. Teradyon, who was burned at the stake in such a way that his agony would be greatly prolonged. "Then the executioner said to him: Rabbi, if I increase the flame and remove the (damp) pads of wool from your heart, will you bring me into the life of the world to come?—He said to him: Yes.—Swear to me!—He swore to him, whereat he increased the flame and removed the pads of wool from his heart, so that he expired quickly. Then (the executioner) too leaped into the fire.—A heavenly voice issued and proclaimed: "R. Hananiah b. Teradyon and the *quaestionarius* are invited to the life of the world to come!"[94]

17. Minyamin. We have already dealt at some length with the legal problems of Minyamin (Benjamin) the Egyptian proselyte who was a pupil of R. Akiba, and who is mentioned by R. Judah as his fellow-student (*haber*) (above, Ch. V, nn. 72 ff.). It is noteworthy that in one text, Akiba calls the convert "My son."[95]

18. Case Reported by Bar Yasyan. We know nothing about the scholar by this name except the information given in a baraita to which we have already referred (Ch. V, n. 119). Bar Yasyan reports that he was traveling in the "cities of the sea" and came upon a case in which a convert had married the widow of his half-brother. "I said to him: My son, who gave thee permission (to contract such a union)?—He said to me: Lo a woman and her seven sons! On this stool sat R. Akiba and said two things: a convert may marry his brother's widow," etc. The other saying of R. Akiba is not relevant to our subject. The woman with the seven sons is explained by the

commentators as a reference to the case which was originally laid before R. Akiba in this city. We know from many sources that R. Akiba traveled extensively;[96] how long after his visit to the coastal cities Bar Yasyan came we cannot judge, though it was of course during the Tannaitic period.[97] Note here also that the convert is addressed as "My son."

19. Neophytos. In the same context with the preceding tradition, R. Jose reports a similar ruling in the case of a convert called Neophytos.[98]

20. Convert in Days of R. Jose. We have considered previously the controversy as to whether a convert may marry a *mamzer*, and in this connection have mentioned the case of a convert who questioned R. Jose on the subject (Ch. V, nn. 85 ff.). The latter told him that such a union was permitted; thereupon the proselyte went to R. Judah, who said: "It is permitted; but know that the sons 'of that man' will be *mamzerim* before heaven!—Then (the proselyte) returned to R. Jose and said to him: You knew this. Why did you give me permission in the first place?—He said to him: I answered what you asked me."[99]

We have already dealt as far as we could with the critical problems raised by this story. It is sufficient to point out here that R. Jose seems to display a somewhat detached and unfriendly attitude toward the proselyte.[100]

21. Convert in Days of R. Judah. A man once appeared before R. Judah with the statement that he had converted himself privately to Judaism. R. Judah's disposal of the case has been fully discussed above (Ch. IV, n. 65).

22. R. Judah b. Gerim. Among the pupils of R. Simeon b. Johai was a certain R. Judah, the son of converts, who came to study a particular subject with the master in

company with one R. Jonathan, whose patronymic is uncertain. After taking formal leave of their teacher, they remained in the same place overnight; and so the next morning they came to repeat their adieux, giving traditional authority for their behavior. R. Simeon, much impressed (he calls them *anashim shel tzurah* "men of worth") sent his son to them for blessing. This blessing they gave in enigmatic form, which R. Simeon afterward explained to the young man with great satisfaction. In this report are found also some samples of the Biblical exegesis of these two scholars.[101]

Now in the Babli, it is told that R. Simeon's sufferings as a fugitive from the Roman authority were due to some indiscreet remarks he once made about the government. Judah b. Gerim (he has no title here) was present, and afterwards repeated what Simeon had said. Thus the report came to the attention of the authorities, from whom R. Simeon remained in hiding many years. After he had at length returned from his exile, he encountered Judah b. Gerim in Tiberias. "Is this one still in the world?" he exclaimed. Setting his eyes on the man, he reduced him to "a heap of bones."[102]

The story of R. Simeon's years in the cave and his return to Tiberias is found in many Palestinian sources.[103] But in none of these reports is any mention made of Judah b. Gerim. It is true that in all these cases, the narrative begins with R. Simeon taking refuge in the cave, the antecedent circumstances going unmentioned. But the return to Tiberias is related in detail, and Judah b. Gerim does not appear. The historicity of the Babli narrative is thus open to serious question. It may be that some aggadist, finding that one of Simeon's disciples was the son of converts, and being himself somewhat prejudiced, laid the blame for the teacher's misfortune upon this disciple. It should be noted that Judah is not accused of betraying his master to the Romans, but merely of insufficient caution in repeating dangerous remarks.

Even if the story of Judah's indiscretion is true, the fact remains that he was a learned and honored disciple of R. Simeon until he made this slip.

23. The Penitent Courtesan. Talmudic literature presents infinite variety; we come now to a story which suggests certain present-day magazine fiction in its combination of luridly sinful detail with a strongly avowed moral intent. There was a certain student who had always been most observant regarding the wearing of fringes (*zizit*), but who was abandoned to sensuality. Learning of a beautiful courtesan in the coast cities (cp. Ch. VII, n. 20) who received four hundred gold-pieces for her favors, he at once sent her the sum and arrived at her house at the time appointed. Her sinful lavishness is naively described. As her client disrobed, however, his fringes "slapped him in the face"; and he abandoned his purpose and sought to withdraw. "By the Capitol of Rome, she swore—I will not let you go till you tell me what blemish you saw in me.—He answered: By the Service! I have never seen so beautiful a woman as you. But the Lord our God gave us a certain commandment called *zizit*, concerning it the words 'I am the Lord thy God' are twice written (meaning): I am He who shall punish and I am He who shall reward.—Just now (the *zizit*) appeared to me in the guise of four witnesses." And so, after writing down his name, city and school at her insistence, he went away.—Thereupon she divided all her wealth into three parts: a third she gave to the government for permission to convert (so Rashi), a third she distributed to the poor; the remainder, in addition to the gorgeous coverlets of her sinful couch, she took with her. Going to the school of her erstwhile suitor, she asked to be received as a convert. The Rabbi surmised that she was in love with one of his students; and when she displayed the handwriting of her lover, he interposed no difficulties.[104] And so the precious coverlets at length bedecked an honorable marriage bed.

This story occurs in a baraita; in some texts the Rabbi is Meir, in some Hiyya.[105] It is, of course, not impossible that, shorn of its exaggerations, the tale may have some historical basis. Note also that the Rabbi calls the penitent "My daughter."[106]

24. Family in South. Rabbi once heard the charge that a certain priestly family in the South was disqualified because the grandfather had married a convert woman. He sent R. Romanus to investigate the report, and the latter discovered that the woman in question had been converted prior to her third birthday. The family was thereupon certified as fit to intermarry with the priesthood.[107]

25. "Antoninus." The Talmudic literature contains many references to and narratives about one Antoninus, the royal friend and disciple of R. Judah the Prince. These extraordinary tales have engaged the attention of many scholars during the last century and a great variety of answers have been given to the questions: who in reality was Antoninus? and what historical value do the stories possess?[108]

Fortunately, our purposes do not necessitate a review of this difficult problem. Usually, Antoninus is represented as merely a pious Gentile, a friend of Rabbi, with whom he discusses many religious problems. Only in comparatively few cases is he depicted as a convert to Judaism. The most extensive passage is as follows: "Antoninus made a lamp-stand for the synagogue. Rabbi heard of it and said: Blessed be God, who put into his heart to make a lamp-stand for the synagogue.—R. Samuel b. R. Isaac inquired: Why did Rabbi say: Blessed be God? Why not: Blessed be *our* God? If he said: Blessed be God, this indicates that Antoninus was not converted. If he said: Blessed be our God, it indicates that Antoninus was converted.—There are some things that indicate that he was converted and vice versa. They saw him going out on the

Day of Atonement wearing a cutaway sandal (indicating that he was not converted).—What can you deduce from that? Even fearers of heaven may go out wearing such a sandal.—Antoninus asked Rabbi: Will you let me eat of leviathan in the next world?—He answered: Yes.—But he objected: You will not let me eat of the paschal lamb; how then will you let me eat of leviathan?—He replied: What can we do for thee, since it is written (Ex. 12.48) 'no one that is uncircumcised may eat thereof.'[109]—When he heard this, he went and circumcised himself. . . . This indicates that Antoninus was converted; the words of our Rabbis indicate the same, for said R. Hezekiah (and) R. Abbahu n. R. Elazar: If righteous proselytes come into the future (life), Antoninus will come at the head of them."[110]

Krauss also finds the implication that Antoninus was converted in a similar story in the Babli, in which the Roman asks Rabbi if he will have a share in the future life. To Rabbi's affirmative answer, Antoninus objects that the Bible predicts the extermination of Edom; and Rabbi overcomes the difficulty.[111] Although Judaism did not make future salvation dependent on formal conversion, Krauss points out that in the parallel just cited, Antoninus is a convert; and in the immediate context in the Babli, we read of the conversion of Ketiah b. Shalom.[112]

Other episodes, such as the discussions on prayer[113] fit in equally well with the assumption that Antoninus was a convert or that he was a pious Gentile.

It appears that the Rabbis were somewhat uncertain in their own minds as to the status of Rabbi's friend. Perhaps their difficulty was more than lack of information or conflicting reports. Although conversions continued through the Amoraic period, the class of "fearers of heaven" dwindled greatly. For various reasons, the Rabbis did not care to maintain a permanently intermediate group between Judaism and heathenism or Christianity.[114] It was perplexing to them that Rabbi—whose learning, piety and prestige

placed him above criticism—should have associated so intimately with a Gentile. Hence the desire to regard Antoninus as a convert. The very emphasis of R. Elazar's remark is perhaps suspicious.

26. Justina. The Talmud represents Justina, daughter of Severus b. Antoninus as asking Rabbi certain questions about marriage.[115] Kasdoi assumes that she must have been a convert; but the passage indicates the reverse, if anything.[116]

Amoraic Period—Palestine

27. Convert of Hiyya b. Rabbi (?). The Babylonian Talmud tells of a case in which one who had been circumcised, but not yet baptized, presented himself for the latter rite. Since it was after sundown, he was told to wait until the next day.[117] The incident is reported by three Babylonian scholars, Rabbah, R. Joseph, and R. Safra. Each mentions a different Palestinian teacher as the authority in the story: Hiyya b. Rabbi, Oshaya b. Rabbi, and Oshaya b. R. Hiyya.[118] There is evidently some confusion here: these names are not otherwise known. Rabbi had two well-known sons, R. Gamaliel and R. Simeon b. Rabbi; but of sons named Hiyya and Oshaya we learn nothing further. At any rate, we learn that such an incident—which in itself there is no reason to question—occurred in Palestine early in the Amoraic period.

28. Convert of R. Judan Nesiah. R. Joshua b. Levi was in Laodicea while R. Judan Nesiah was also there. The former intended to leave early on a certain morning, but the Nasi asked him to remain that day, so that he might participate in the baptism of a female convert.[119] It is noteworthy that conversion of a woman not apparently distinguished (her name is not given) should have occupied the official leader of the Jewish community.[120]

29. Converts at Tyre (Gabla). The Palestinian Talmud reports that R. Hiyya b. Ba once visited Tyre, and on his return reported to R. Johanan certain laxities of observances he had noted. One does not concern us; the other was that a convert had been accepted without baptism. To R. Johanan's inquiry why he (Hiyya) had not made an issue of the case, the latter replied that R. Joshua b. Levi had permitted the laxer procedure.[121]

The Babli has a very similar report, concerning not Tyre, but the city of Gabla, south or southwest of Jerusalem. Here again R. Hiyya is the visitor, who afterward makes reports to R. Johanan. This form states that in Gabla there were Jewesses who "had become pregnant by converts who had been circumcised and not baptized." When R. Johanan heard of it, he said: "Go out and proclaim that the children of these are *mamzerim*." This, as the Gemara explains, is in accordance with two halakic principles of R. Johanan: 1, that a convert is not truly such until he has been both circumcised and baptized (above, Ch. IV, n. 39); 2, the offspring of a heathen and a Jewess is a *mamzer*.[122]

It seems highly probable that we have to do here with but one case, of which the Babli has a less correct version.

30. Ashtor Family. This famous family of converts, referred to as the house of *bar Ashtor*, resided in Emesa (Hamaz). They are first mentioned in the days of Rabbi, who observed and commented on their form of prayer. They were at this time converts of the second generation (see Ch. V, n. 22).

A member of this family, Benjamin bar Ashtor, was something of a scholar, and offered an interpretation of m. Bik. 1.4 in the presence of R. Hiyya b. Abba.[123] About a generation later, R. Haggai visited Emesa, and was asked by some of the Ashtor family a question that indicates their religious zeal. Part of their estates were rented out to Gentiles. Should they give tithes for the crops raised

by their non-Jewish tenants? R. Haggai referred the problem to R. Zeira, who obtained from A. Ammi an opinion that such a tithe was unnecessary.[124]

Years after this R. Jose (Jasa, the late Palestinian Amora) visited Emesa and was approached by the representatives of the Ashtor family with a different sort of problem: should a convert enter upon levirate marriage? His answer provoked an elaborate legal controversy.[125]

Here we have a remarkable instance of a family, apparently rich, living in a predominantly non-Jewish environment, yet cherishing its adopted faith. Apparently they were as proud of their origin as they were loyal to their Judaism, and so remained a distinct entity through several centuries. The Rabbis refer to them with obvious respect.

31. Converts in Days of R. Abbahu. R. Abbahu was particularly interested in converts (above, Ch. IX, n. 11) and we find him several times engaged in solving their problems. When the question was raised as to whether a proselyte may use the formula "God of our Fathers," R. Abbahu decided that this was perfectly proper.[126] In the context we learn of a case in which R. Abbahu took the more rigorous view. A certain priest had married the daughter of two converts. R. Abbahu condemned him to be flogged for violation of a negative precept. Then R. Bibi interposed: "Did not my master teach that the halakah is according to R. Jose? (who permitted such marriages).—He replied: But do not the priests follow the custom as prescribed by R. Eliezer b. Jacob?—He said: My master do we flog for (violation of a mere) custom?" R. Abbahu saw the force of this, and excused the priest from the projected punishment. The latter then remarked, "My master, since the prohibition (lit., strap) is relaxed, I am also permitted to keep her (as my wife)."[127]

R. Abbahu's son, R. Hanina, also reports a case in which

his father was asked whether or not a proselyte woman must wait three months after her conversion before marrying. This question Abbahu referred to R. Hiyyah, R. Jose, and R. Ammi, who decided that she need not wait.[128]

32. Slaves and Syrians. Three separate cases are reported together in the Gemara, and because of their similarity of theme it seems wisest to leave them together. All concern instances in which the convert was not formally baptized (see Ch. IV, nn. 41 ff.).

1. The slave of R. Hiyya b. Ammi gave a Gentile woman a purificatory bath (i.e., not for conversion).—Said R. Joseph: I can prove her and her daughter to be fit Jewesses. Her, in accordance with R. Assi's principle: Has she not bathed after her periods! Her daughter in accordance with the rule: the offspring of a Gentile or slave and a Jewess is fit.

2. A certain woman had been converted without the formality of baptism. People therefore called her son "Son of the Syrian woman." R. Assi defended his legitimacy by the principle just mentioned.

3. Similarly in the case of a man who was called "Son of the Syrian." Said Joshua b. Levi: "Did he not bathe for his nocturnal pollution?"[129]

33. Astrologer. "R. Huna told the following incident: A certain convert had been an astrologer. Once he was about to set forth (on a journey), but said: Should one start now? (the time being unpropitious according to the stars).—Then he said: (Why) did I cleave to this holy people, if not to separate myself from these (superstitions)? Let us go forth in the name of our Creator!—(On the trip) he fell in with a publican, but secured his release by giving him his ass.[130] What caused his double loss? That he doubted. What caused his deliverance? That he trusted in his Creator."[131]

Amoraic Period—Babylonia

34. Case of Rab. The property of a convert who had no heirs was acquired by Rab by "drawing a picture" (no doubt by drawing some characteristic device on the wall). This piece of land became the garden of the school (*Be Rab*).[132]

35. Convert of Samuel. The Midrash tells: "A Persian came to Rab, saying: teach me the Torah.—He said to him: Say *alef*.—He replied: Who says it is an *alef*? Perhaps it is not.—Say *beth*.—He replied: Who says it is a *beth*?—So (Rab) rebuked him and drove him out in scorn. Then he went to Samuel" and repeated the same performance. But Samuel "seized him by his ear, so that he cried: My ear, my ear!—Said Samuel to him: Who says it is your ear?—Everyone knows it is my ear, he replied.—So also here, retorted Samuel, everyone knows that these are *alef* and *beth*.—At once the Persian was silent and accepted (Judaism.) Lo 'a patient man is better than a haughty': better is Samuel's patience with the Persian than Rab's haughtiness; but for the former, the Persian might have returned to his evil way."[133]

This story is unmistakably a variation of the story of Hillel we have already met.[134]

36. R. Samuel bar Shilat. According to some readings of a record cited previously,[135] R. Samuel b. Shilat was a descendant of Haman. There is no clear-cut Talmudic evidence on the subject. R. Samuel was famous as a conscientious and beloved elementary teacher.[136]

37. R. Samuel bar Judah. This scholar was once invited by R. Judah to make one of a court of five supervising a *halizah* ceremony. R. Samuel replied by quoting a Midrash which bars a convert from sitting in such a court (above,

Ch. V, n. 190 f.). And I, he added, am a convert.[137] According to Rashi, R. Samuel was converted with his father; and another medieval source states that his mother was a Jewess.[138] In any case it is interesting to note that the father bore the name of *Judah*: does this imply that in Babylon converts received a new name? (See n. 57.)

In the context, R. Judah refers to R. Samuel b. Judah as a man of incorruptible honesty. "On the word of such a one we collect money." The Gemara is shocked by this apparent contradiction of the Biblical law requiring two witnesses in such cases, and explains that on the word of one like R. Samuel we declare a note paid.

We meet with frequent reference to R. Samuel b. Judah in the Babli; he was obviously a scholar of parts and a man of no small influence.[139] For a time he lived in Palestine, and on his return brought back much legal information to Babylonia.[140] Except for the passage quoted at the beginning of this section, I have found no reference to the fact that he was a proselyte. Apparently he was so completely assimilated to the Jewish group that people forgot his Gentile origin.[141]

38. R. Isaac b. Jacob b. Giore. This scholar is known only as a student of R. Johanan, who sent to Babylonia several halakot in the name of his teacher.[142] Apparently both his father's parents were converts.

39. Converts of Rabbah b. Abbuha. This scholar is known for his friendly interest in proselytes (Ch. XVI, n. 111). So when certain candidates came to him, explaining that they had considerable wealth in the form of idols or other heathen paraphernalia, he advised them: Sell everything that you have and then be converted.[143] Whereas some scholars were impatient of converts who calculated about such matters, Rabbah b. Abbuha regarded it proper to facilitate their conversion and to protect them against monetary loss.

40. Convert in Days of R. Nahman b. Isaac. A certain priest had married a woman who had been converted to Judaism before her third birthday. Although the husband was able to produce eminent authorities permitting this union, R. Nahman b. Isaac refused to listen to his arguments. Bluntly, he ordered the priest to divorce his wife on pain of excommunication.[144] It has been pointed out already that those who, like R. Nahman, took a rigorous viewpoint, were not necessarily motivated by animus against converts.[145]

41. Issur, R. Mari b. Rachel. The present texts of the Talmud raise several difficulties, textual, chronological, and historical, regarding R. Mari b. Rachel.[146] Without entering upon these critical problems, we may state dogmatically that Mari was a contemporary of Raba, and that texts which cannot be harmonized with this are wrong. R. Mari is always referred to as the son of Rachel, who is said to have been the daughter of Samuel.[147] Whether this tradition is correct and whether the Samuel in question is the great Babylonian Amora, we need not attempt to decide: the problems are stony. His father was called Issur the Proselyte, and it is stated that Mari was born, but not conceived "in holiness," that is, after his father's conversion. In other words, Rachel married Issur—voluntarily or otherwise—while he was a heathen, and apparently persuaded him to convert when their first child was expected.[148]

As there was some question of R. Mari's status, Raba declared him a proper Jew, in accordance with the ruling that the offspring of a Gentile and a Jewess is *not* a *mamzer*.[149] Furthermore, Raba appointed him as a tax-collector, justifying this on the ground that Mari's mother was Jewish.[150]

Now Issur had deposited some twelve thousand *zuz* with Raba, and the money was still uncollected when Issur was reported dying. Raba felt assured that the

money would go to him: R. Mari was not his father's heir (Ch. V, sec. 24), and the gift of a dying man is legally the same as inheritance. Other methods of legal transfer were equally inapplicable in this particular case; and if Issur were to send for Raba to transfer the money "in the presence of the three of them," he would refuse to go!—To this R. Eika son of R. Ammi objected: If Issur issues a legal admission that the money belongs to R. Mari, the latter can acquire it!—And this is what Issur actually did. When Raba heard this, he became angry: I teach men the arguments, he declared, and they cause me to lose by it.[151]

This story does not seem to fit well with the other reports of Raba's friendliness to R. Mari; and it certainly does not represent the great scholar in a favorable light. It is also strange that R. Eika limits himself to pointing out the legal weakness in Raba's position, but says nothing of the *hillul ha-Shem* that would result if Raba kept the money. Apparently the lure of money overbalanced other considerations.

There are numerous references in other parts of the Talmud to R. Mari, in which he is represented as a scholar of ability and high standing.[152]

42. Proselytes at Mahoza. Mahoza must have been the center of extensive proselyting, as we learn from the following: "R. Zeira expounded at Mahoza: A convert is permitted to marry a *mamzeret*. Everyone pelted him with their citrons.—Said Raba: Who would expound such a law in a place where converts are so numerous?—Raba expounded in Mahoza: A convert is permitted to marry a priestess. They bore him on silk robes. Later he expounded to them: A convert is permitted to marry a *mamzeret*. They said to him: You have spoiled the first action.—He replied: I have done you a kindness: one may take a wife from either group that he desires."[153]

The law involved in this story has already been dis-

cussed fully (Ch. V, sec. 13). It is noteworthy that permission to marry a *mamzeret* was not regarded as a privilege, but as a disability, because it was based on the theory that converts are not altogether "the congregation of the Lord."[154] This incident sheds light not only on the number, but also on the spirit of converts in this neighborhood. They were neither secretive nor apologetic regarding their origin.

43. Host of R. Ada b. Ahavah. This is the second R. Ada, pupil of Raba, whose name is more correctly R. Ada b. Abba.[155] His "host," who was a convert, and R. Bibi were at odds, each claiming the post of officer in the city. The dispute was referred to R. Joseph, who on the basis of Deut. 17.15 (Ch. V, sec. 27) was going to bar the convert from public office. R. Ada interposed that the convert's mother was Jewish, and R. Joseph agreed that in this case, the Deuteronomic prohibition did not apply. He settled the matter thus: "As R. Bibi is an eminent man, let him concern himself with religious affairs (Rashi: synagogue management, charity collection), and let this gentleman attend to civil affairs (R: public defence, irrigation)."[156]

Note here that the convert is not alone given public recognition, but that a scholar is quite content to live in his house.

44. Sons of Judan. Analogous to several cases reported above[157] is that of certain slaves, sons of a woman called Judan (?) who were freed, and who were told by R. Aha b. Jacob that one might marry the other's widow.[158]

45. R. Judah the Hindu. Whether this scholar was actually of Indian origin or whether "Hindu" was a nickname cannot be judged. Though called "Rab," his only recorded utterance is a "tall story" concerning a voyage, among the Muenchausen-like anecdotes of Baba Bathra.[159] Elsewhere we learn that he was a convert who died without

heirs, and that Mar Zutra resorted to a legal expedient to acquire title to the slave of R. Judah, while the latter lay dying.[160]

NOTES TO CHAPTER XI

[1] See Josephus, War 4.9; 7.5.6 and frequently; Krauss, art. "Bar Giora, Simon" in *JE* II, 502-3. According to Krauss, *Monatsschrift*, Vol. 41 (1897), p. 563, PR 28.135b may refer to Simon and his career.

[2] Below, sec. 14. Bacher, *AT* I, 1, p. 17, describes as a convert and preacher the treasurer of Candace, Queen of Ethiopia, who appears in Acts 8.27 ff. But nothing in the passage shows that he was either a convert or a preacher!

[3] See Samter, pp. 20-22, and especially 21, n. 1. The report of Zenobia's conversion is the more astonishing in view of the Rabbinic antagonism to Palmyra; above, Ch. III, sec. 3.

[4] Samter, p. 14. Cp. below, n. 56.

[5] Throughout this chapter, frequent reference will be made to Hyman's *Toldoth Tannaim VeAmoraim*, which will be cited as "Hyman," by vol. and p. Though the conclusions of the author are not always critical, it is a useful compendium for reference. The order of presentation will be chronological—as far as it is possible to ascertain dates; but for the Amoraic period, Palestinian and Babylonian data will be presented sparately.

[6] Git. 57b; Sanh. 96b. See Hyman III, 988. But in Tan. N. Vayakhel 8 (on this passage see the introduction to Tan. B., p. 170) it is stated that they were descendants of Sisera. Also in Tillim 1.18. The conversion of Sennacherib's sons is related in an addition to Targ. 2 K. 19.35 ff. G VI, 364, n. 61.

[7] Yoma 71b; on the text, cp. R. Hananel.

[8] So probably his remark should be understood. See above, Ch. V, n. 154.

[9] Pes. 66a; 70b. See Ginzberg in *JE* I, 136; Zeitlin in the *Journal of Jewish Lore and Philosophy*, Vol. I, pp. 61 ff.; Herford, *Pirke Aboth*, p. 31, for the historic activity of the two teachers. These sources give reference to earlier writings on the subject.

[10] Sab. 31a, bar.

[11] So we must understand the word *gayyereh* here.

[12] Very similarly, ARN I, 15, 31a; II, 29.31ab. See sec. 35.

[13] In ARN II, 26.27a, a story very similar to this is told of R. Akiba, but the inquirer is presumably a Jew.

[14] ARN I, 15; II, 29, p. 31ab. In this version Shammai answers the

original offer of the heathen with bitterly scornful words. In the second recension the first of the heathen (who rejected the oral law) also speaks in reproach of Shammai and praise of Hillel.

[15] Only in Sab. For similar remarks in ARN see preceding n.

[16] ARN I, 12; II, 27, p. 28a.

[17] Hag. 9b.

[18] See Tosafot ad Hag., *ibid.*, s.v. *Bar He–*; Herford, *op. cit.* p. 145-6; *JE* II, 673; Bacher *AT* I, 1, pp. 6-7.

[19] This in itself is perhaps a legendary element: Shammai counseled his disciples to receive all men courteously: Abot 1.15.

[20] See also Sab. 30b: "Let a man be always gentle like Hillel, not irascible like Shammai," introducing the story of the man who wagered that he could make Hillel lose his temper.

[21] ARN II, 26.27b; I, 12.28a.

[22] See below, Ch. XIII, n. 13.

[23] Gen. R. 46.10. The text at the end is a little difficult. See Theodor's nn. to the entire passage.

[24] m. Nazir 3.6.

[25] t. Suk. 1.1; p., *ibid.*, 1.1.51d (this source refers to her seven sons as scholars); b., *ibid.*, 2b.

[26] t. Meg. 4 (3) 30; Men. 32b; and cp. Nid. 17a.

[27] m. Yoma 3.10; t., *ibid.*, 2.3; p., *ibid.*, 3.8.41a; b. 37ab.

[28] t. Peah 4.18; p., *ibid.*, 1.1.15b bot; BB 11a.

[29] Sifra Mezora parashah 1 on 14.2; t. Sab. 8(9).5; b., *ibid.*, 68b–; see above, Ch. V, n. 20–; Shebuot 26b. Brüll (*Jahrbücher*, Vol. II (1876), p. 156) suggests that it is to this Monobaz that "the descendant of Haman"–n. 6–refers.

[30] "Adiabene" in *Jahrbücher*, Vol. I (1874), pp. 58-86.

[31] "Zeit der Anwesenheit der adiabenischen Königin in Jerusalem, unter der Apostel Paulus." *Monatsschrift*, Vol. 26 (1877), pp. 241-255 and 289-306. The last part of the essay, dealing with the question of circumcision, contains a very dubious theory.

[32] t. Peah 4.11; p., *ibid.*, 8.8.21a; Sif. D. 110 on 14.29, *ibid.*, 303, Mid. Tannaim, p. 175 on 26.12. Great variations, especially in form of name; Sif. and Mid. T. do not mention the descent of the family from Araunah. In AZ 24b R. Nahman calls A. a *ger toshab.*

[33] "Eine angesehene Proselyten-Familie Agathobulos in Jerusalem." *Monatsschrift*, Vol. 30 (1881), pp. 288-294. Cp. G VI, 441 top.

[34] See esp. p. Peah, *loc. cit.*

[35] Above, Ch. II, sec. 2. Derenbourg's thesis is set forth in *Forschungen des wissenschaftlich-talmudischen Vereins*, nr. 14 (1867), p. 189; *Beilage zu Ben Chananja*, nr. 6, and briefly in his *Essai*, p. 223, n. 2.

[36] Semahot 12.

[37] Ned. 23a, where this Batnit is called the son of A. S. On the chronological difficulties, see Hyman III, 1108.

[38] m. Suk. 2.7; Yeb. 15b. b. Suk. 28a reads HaHoranit; t., *ibid.*, 2.3, has variant readings. See Hyman II, 674.

[39] Who lived after the Hadrianic revolt, whereas the two other figures date from before the fall of the Temple: see Hyman.

[40] Sif. D. 1, Mid. Tannaim, p. 3 on 1.1.

[41] See the ref. in Hyman II, 721.

[42] Simeon b. Kimhit, p. Yoma 1.1.38d top, Lev. R. 20.11, etc.; R. Samuel b. Martha, Ber. 25b bot., but cp. B. B. 52a and commentaries; Hyman III, 1141.

[43] *Essai,* pp. 223-4.

[44] m. Nazir 6.11; 3.6. [45] Git. 56a.

[46] The attempt of Kasdoi, p. 254, n. 2, to explain it as referring to a general of Vespasian named Nero needs no serious consideration.

[47] *Jahrbücher* II (1876), p. 154.

[48] Bacher, *AT* II, 1, p. 5, n. 24, and see above, n. 6.

[49] t. Pes. 7.13; p., *ibid.*, 8.8.36b; p. Nazir 8.1.57a. In the Yerushalmi passages the authority is R. Eliezer b. Jacob, no doubt the elder of that name, who was an authority on the Temple. Several of the texts read mistakenly "soldiers and guards," etc.

[50] *JQR,* n.s., Vol. XVII, p. 20.

[51] Ant. 17.10, 20.5; War 2.3, 12. For the legal point see above, Ch. V, nn. 36 ff.

[52] See Graetz, "Die jüd. Proselyten," p. 35, n. 2; Krauss in *JE* IV, 607 f.; Radin, *The Jews among the Greeks and Romans,* p. 300.

[53] Sif. D. 344 on 33.3.

[54] Mid. Tannaim, *ibid.*, p. 212; p. BK 4.3.4b; b., *ibid.*, 38a, which does not mention the name of the teacher, and adds that the officials promised not to repeat their strictures to the government.

[55] "Agrippa II und der Zustand Judäas nach dem Untergang Jerusalems," *Monatsschrift,* Vol. 30 (1881). Our report is discussed on pp. 493 ff. Kasdoi's suggestion (p. 268) that the incident occurred in Nerva's reign is less plausible. Bacher (*AT* I, 1, p. 56) suggests that Antigonos the ruler (*Hegemon*), who made various inquiries of R. Johanan b. Zakkai and R. Gamaliel—e.g., Sif. D. 351 on 33.1—may have been one of these officials.

[56] "Die jüd. Proselyten," pp. 24-5.

[57] See Juster, Vol. II, p. 234.

[58] Above, Ch. X, n. 18; also Ch. XI, sec. 37.

[59] RH 17b. In Nid. 70b this question is asked R. Joshua by the Alexandrians.

[60] See concerning the delegation, below, Ch. XIII, nn. 41 ff.

[61] Eccl. R. 1.8.

[62] AZ 17a. So Lévi, p. 16, n. 1.

[63] Eccl. R. is dependent on the Babli: Strack, *Einleitung*, p. 213. For other instances of its unreliability, cp. Ch. IX, n. 58, and below, n. 134.

[64] Weil, p. 72; n. 1; Bacher, *AT* I, 1, p. 80, n. 4. See further, below, Ch. XIII, n. 27 ff.

[65] AZ 10b.

[66] Commentators refer to Taan. 29a.

[67] Deut. R. 2.24.

[68] Graetz, *Geschichte*, Vol. 4, p. 403, n. 12; "Die jüd. Proselyten," pp. 28 ff., where he answers those scholars who believe that F.C. became a Christian. Graetz admits that his wife was probably a convert to Christianity. Krauss in *JE* V, 406-7, agrees with this identification, but supposes that the wife of Flavius Clemens became a Jewess, and that the Flavia Domitilla mentioned in Eusebius as a Christian convert was another person.

[69] Maim. Mishneh Torah, introduction.

[70] *Jahrbücher* II (1876), p. 154 f. Cp. above, n. 47.

[71] Regarding the supposed missionary activities of Akiba, see below, Ch. XIII, nn. 41 ff. Ned. 50b states that Akiba acquired wealth from the wife of "Turnus Rufus" and the commentaries, *ad loc.*, tell that she came under his influence, converted, and eventually was married to Akiba. This is not stated explicitly in the Talmudic sources.

[72] The first to raise the problem was Azariah dei Rossi, who regards the two as separate individuals: Meor Enayim, Imre Binah ch. 45. Graetz, *Geschichte*, V. 4, n. 13, on pp. 405 ff., regards the two as identical and eliminates the references to the elder Gamaliel as an error for Gamaliel II. The Aramaic Targum was called Targum Onkelos because of its similarity in style to the Greek version of Aquila. The view of Graetz is bitterly assailed by Friedmann in his monograph, *Onkelos und Akylas*, in which all the material, Jewish and non-Jewish, is reviewed, and the conclusion reached that Aquila and Onkelos are not the same. Friedmann distinguishes three Aquilas: 1. the translator, 2, the Aquila of Pontus in Sifra (see below, n. 76) and a man of similar name mentioned in the New Testament.—That Aquila and Onkelos are different is also held by Ginzberg, *JE* II, 36 ff., and IX, 405, and Casuto, *Encyclopedia Judaica* III, 4, 27 ff., but they regard Onkelos as a contemporary of Gamaliel II. The most recent study of the subject, Silvertone's *Aquila and Onkelos*, attempts to reestablish Graetz's thesis plus the contention that Aquila the Greek translator also composed the Aramaic version in its original form. The author displays considerable learning, but his viewpoint is not entirely critical.

[73] p. Meg. 1.9.71c. In the Babli, *ibid.*, 3a, the same authorities

ascribe the translation to Onkelos. The mistaken notion that the Babli refers here to an Aramaic rather than a Greek translation led to the popular error by which the standard Babylonian Targum is ascribed to Onkelos. This is the view of Ginzberg, *loc. cit.*, Bacher, *JE* XII, 58, and Berliner, *Targum Onkelos,* German part, pp. 97 ff., and it seems to me beyond question.

[74] E.g., p. Kid. 1.1.59a; Gen. R. 46.3; p. Suk. 3.5.53d, Lev. R. 30.8; PRK Vayehi Beshallah ‡88, Cant R. 4.13, Lam. R. 1.1 (Buber's ed., ordinary prints r. Onkelos). Gen. R. 21.1 and Eccl. R. 11.3 are dubious. In BB 99a (bar.), Onkelos interprets a Bible v.

[75] *Op. cit.*, p. 49. Other scholars have seen in A's renderings the influence of Akiba's minute exegetic methods: see Burkitt, *JE* II, 34. Dr. Mann considers this view more correct.

[76] Sifra Behar perek 1 to 25.7. On Aquila of Pontus, see also Acts 18.2, Romans 16.3, II Tim. 4.19. Aquila the translator is also called Aquila of Pontus by the Church Fathers. See Friedmann, *op. cit.*, p. 30 f.

[77] Tan. B. Mishpatim 3; Tan. N., *ibid.*, 5; Ex. R. 30.12. The Christian sources also report that Aquila was related to Hadrian: Friedmann, p. 32.

[78] Gen. R. 70.5. I follow Theodor's text and nn. The prints give an additional version, which closely resembles that in Eccl. R. 7.8. (This latter text is somewhat corrupt and ends "Better is the patience shown by R. Joshua and Akilas the convert than the impatience shown by R. Eliezer; without it, he (A.) might have returned to his evil nature." Cp. Ch. IX, sec. 4). Num. R. 8 end, Mishnat R. Eliezer, pp. 300-1, like Gen. R. Differently, Ex. R. 19.4 (above, Ch. IX, n. 7). In Tan. B. and N. Lek Leka, only a part of the aggadah; except in one ms. the reading of this source is Onkelos. See Buber's n. 53.

[79] p. Hag. 2.5.77a.

[80] PR 23.116b-117a.

[81] t. Hag. 3.3, Kelim Batra 2.4; t. Mik. 6.1.

[82] t. Sab. 7(8).18; AZ 11a.

[83] Semahot 8.

[84] t. Demai 6.13.

[85] But Ginzberg, *JE* IX, 405, would emend the text.

[86] p. Demai 6.10.25d.

[87] Git. 56b-57a. Onkelos is here called a nephew of Titus, which Elijah Vilna would emend to Hadrian.

[88] *Moreh Nebuke HaZeman,* ch. XIV, Works, p. 253 ff.

[89] See Jastrow, p. 1168b.

[90] AZ 11a. Friedmann regards this passage as an aggadic poem based on earlier materials: see Mek. Beshallah 6 on 13.21; Men. 33b. Graetz has attempted (on the basis of the reading Kalonimos) to

find in these two passages a reference to Flavius Clemens (above, n. 68)—a theory bitterly assailed by Friedmann: see *op. cit.*, pp. 96 ff.

[91] p. Taan. 4.8.68d.

[92] Bacher, *AT* II, 2, pp. 206-7.

[93] PR 14.56b-57b. The name of the convert varies in the texts; see Friedmann's n. 20 and cp. Hyman II, 686.

[94] AZ 18a; Mid. Shir Ha Shirim, ed. Grünhut p. 6b.

[95] Ch. V, n. 74. On Akiba's pupil Monobaz, see above, n. 29.

[96] Hyman III, 995.

[97] Concerning converts in the cities of the sea, cp. Ch. XII, n. 5.

[98] So, according to Krauss, *Griechische und Lateinische Lehnwörter*, Vol. II, p. 363, we should read. The texts have *Nephates*. See above, Ch. V, n. 118.

[99] p. Kid. 3.14.64c.

[100] See also Ch. XIII, nn. 55 ff.

[101] MK 9ab, reproduced Tan. N. Bereshit, end. In Gen. R. 35.3, PRK Vayehi Beshallah ‡135 ff., a somewhat similar story regarding formal leave-taking is found; the exegetic material is related to but not identical with that found in MK. The pupils of R. Simeon are here called (in Theodor's ed.; prints and PRK vary): R. Isaac, R. Jonathan, and R. Judan b. Giore.

[102] Sab. 33b-34a.

[103] p. Shebiit 9.1.38d; Gen. R. 79.6; PRK Vayehi Beshallah ‡153 ff.; Til. 17.13; Esther R. 1.9; Eccl. R. 10.8.

[104] Cp. above, Ch. III, sec. 2.

[105] Sif. N. 115 on 15.41, ordinary texts r. Meir, but Horowitz gives the other reading in his textual variants; Men. 44a r. Hiyya, but see Tosafot, *ad loc.*, s.v. *lebet* (where the ref. to Tosefta is no doubt an error for Sifre) and Shittah Mekubezet, *ibid.* Cp. Bacher, *AT* II, 2, p. 126, n. 34.

[106] Cp. above, n. 95.

[107] p. Yeb. 8.2.9b bottom; p. Kid. 4.66b; p. Bik. 1.5.64a. In the first passage, the family is located in Rodos; in the other two, in the South *darom*. The latter reading is accepted by Jastrow, p. 1456; but on the principle of "the more difficult reading" should we place the incident in Rhodes or Aradus? In b. Yeb. 60b, the event occurred in "a certain city of Palestine." Concerning the law in this case, see Ch. V, nn. 95 ff.

[108] Krauss's *Antoninus and Rabbi* gives a detailed examination both of the sources and of earlier theories on the subject. But his identification of Antoninus with Avidius Cassius is severely criticized by Leszynsky in *Die Lösung des Antoninusrätsels*. The latter would identify Antoninus with the Emperor Antoninus Pius.

[109] Lévi makes the following comment on this sentence: "These

words reveal the anguish of certain scholars who were torn between the desire for propaganda and the letter of the older law. It is this unfortunate conflict that in large part stopped the movement so brilliantly begun in the Diaspora. Between the new aspirations and the exigencies of the older legislation, the sages under the pressure of events decided for the latter. Paul chose the other alternative: it was his stroke of genius." (*REJ*, Vol. 50 (1905), p. 7, n. 1.) To this it should be remarked that Lévi reads rather more into the sentence than is to be found there. The Rabbi says: You cannot eat the paschal sacrifice, which the Bible limits to members of the Jewish group; yet despite your heathen status, you are certain of bliss in the future world. This is a far more liberal attitude than that of Paul, who bars out all those who reject his doctrine of the atonement. Moreover, Paul did not relax the severity of the Law; he replaced it by the atonement. His censure of the Galatians who made some concessions to Jewish practice is ample testimony to his unbending antinomian severity. (Gal. 5.1.) Further, we have shown that despite the fact that Christianity had dispensed with the ritual law, Judaism continued to make converts on an extensive scale well into the Christian period. Lévi seems here to have been influenced by the very Christian prejudices which he combats elsewhere.

[110] p. Meg. 3.2.74d. From "There are some things," *loc. cit.*, 1.13.72b; similarly, p. Sanh. 10.6.29c. R. Elazar's statement also Lev. R. 3.2; Til. 22.29. Brief account of Antoninus' circumcision, Eccl. R. and Z. 9.10; Eccl. R. 5-11 mentions him as a convert.

[111] AZ 10b.

[112] *Antoninus und Rabbi*, p. 60. Above, sec. 12.

[113] Tan. B. Mikketz 11, Tan. N., *ibid.*, 9; p. Sanh. 10.5.29c and Lev. R. 16.8.

[114] See Ch. VII, sec. 3.

[115] bar. Nid. 45a.

[116] Regarding the Bar Ashtor family, see sec. 30.

[117] See above, Ch. IV, n. 2, and the next section.

[118] Yeb. 46b. The Gemara assumes that all three of these teachers were present.

[119] p. Yeb. 8.1.8d, where the question is asked whether baptism may be performed at night, and Yizhak b. Nahman answers in the negative. See also Yefeh Enaim ad b. Yeb. 46b on this passage.

[120] See also below, sec. 39, 43.

[121] p. Kid. 3.14.64d; for the other laxities in Tyre, see p. AZ 2.9.42a; *ibid.*, 4.12.44b bot. (R. Jose). Cp. next nn.

[122] Yeb. 46a, AZ 59a.

[123] p. Bik. 1.4.64a.

[124] p. Demai 6.1.25b top; p. AZ 1.9.40b.

[125] p. Yeb. 11.2.11d bot., where the text reads: bar Ashtin.
[126] p. Bik. 1.4.64a. Above, Ch. V, n. 22.
[127] p. Bik., *ibid.;* p. Kid. 4.6.66b. On the law, see Ch. V, n. 105.
[128] p. Yeb. 4.11.6a. See above, Ch. V, sec. 17.
[129] All these cases in Yeb. 45b. It should be noted that the chronological order is the reverse of that given here as in the Talmud.
[130] Following the emendation of Jastrow.
[131] p. Sab. 6.10.8d top.
[132] BB 54a. See Ch. V, nn. 170 ff.
[133] Eccl. R. 7.8.
[134] Above, n. 12. So Bacher, *AT* I, 1, p. 7, n. 4. On the unreliability of Eccl. R., see n. 63.
[135] N. 6. See Hyman III, 988, 1147.
[136] BB 8b.
[137] Yeb. 101b bot.
[138] Tosafot Yeshanim Ket. 44b, margin. The notion of Rabbenu Tam, Tosafot Yeb., *ibid.*, that Samuel was the son of R. Judah the Hindu (below, sec. 45) is chronologically untenable.
[139] See, e.g., Yoma 67a; Ket. 57b.
[140] See Sab. 37b; Git. 16a.
[141] See Hyman III, 1137 f.
[142] Er. 62a; MK 18a bot.; Ket. 46a bot.; Hul. 101a; also Taan. 29b.
[143] AZ 64a. Cp. Ch. IX, n. 53.
[144] Yeb. 60b.
[145] Above, Ch. V, nn. 100 ff.
[146] See Hyman III, 903 ff.
[147] *Ibid.*, 904.
[148] BB 149a; Hyman, *ibid.*
[149] Yeb. 45b.
[150] *Ibid.* Cp. Ch. V, sec. 27.
[151] BB 149a.
[152] Hyman, *loc. cit.*
[153] Kid. 72a.
[154] See esp. Ch. V, n. 84.
[155] Hyman I, 102.
[156] Kid. 76b.
[157] Ch. V, n. 120.
[158] Yeb. 97b. Above, sec. 18, 19.
[159] BB 74b top.
[160] Kid. 22b-23a; Ch. V, nn. 198 ff.

CHAPTER XII

MATTHEW 23.15

One of the most interesting testimonies to the Pharisaic-Rabbinic interest in proselytism is that ascribed to Jesus in Matt. 23.15: "Woe unto you, scribes and Pharisees, hypocrites! for ye compass sea and land to make one proselyte, and when he is made, ye make him two-fold more the child of hell than yourselves." This passage is apparently simple, clear, and easily comprehensible; yet it has been twisted and tortured by scholars, Christian and Jewish. For some inexplicable reason, the learned have been unwilling to believe that the passage means what it obviously states. It has seemed desirable, therefore, to set aside a special chapter to review the various interpretations of this verse, and then to justify our own understanding according to the plain sense.

1. The point of departure seems to be the assumption that the Rabbis were not eager for converts and made no particular effort to secure them. This is the view expressed by Derenbourg, who finds in the gospel verse a misrepresentation of the Pharisaic attitude.[1] The Jews, says this scholar, did not engage in extensive missionary work.

2. Graetz, who has shown with much force and originality that Judaism made great headway among the upper classes of Rome in the period following the fall of Jerusalem, likewise asserts that this success was achieved without any great missionary zeal on the part of the Jewish leaders.[2] The Rabbis were sympathetic to proselytes, and were earnestly concerned with proper legal regulation of conversions; but they did not ordinarily seek converts very eagerly. How then shall we understand the verse from Matthew? It refers to a special case. Because of the success of the Judaizing movement in the imperial

family, the four sages, R. Gamaliel, R. Eliezer, R. Joshua, and R. Akiba went to Rome to intensify conversionist activity, and especially to be present at the formal reception of Flavius Clemens as a convert. The evangelist says "You compass sea and land to make *one particular* proselyte," i.e., you make a special trip to Rome to convert Flavius Clemens.[3] One cannot but admire the ingenuity of this thesis, but to accept it is a different matter. First there is no real evidence to corroborate it. Second, while the words "to make one proselyte" will bear Graetz's interpretation, the natural thing is to understand them as having a general, not a specific intent. Third, the last part of the verse *does not* fit the case of Flavius Clemens: "ye make him twofold more a son of hell than yourselves." Supposing that the Roman patrician was converted to Judaism, he was put to death shortly thereafter, and hardly had time to draw on himself the wrathful criticism of the early Christians. And in the fourth edition of his history, Graetz admits that the meaning of the gospel passage is "still obscure."[4]

3. But if Graetz's theory fails to be entirely convincing, it is a masterpiece compared to that of Jellinek. The great Midrash student attempts to elucidate the verse by citing the following " 'Woe unto the inhabitants of the sea-coast, the people of the Cherethites!' (Zeph. 2.5.) Said R. Hanan: The inhabitants of the cities of the sea are deserving of extermination; and by what merit are they delivered? By the merit of the single convert, or the single fearer of Heaven whom they produce each year."[5]

From this Jellinek draws the following conclusions: The Rabbis did not seek converts with eagerness; indeed the gospel censures them for "shutting up the kingdom of heaven against men." (Matt. 23.13.) But in order to keep alive the prophetic hope that all the heathen would ultimately be converted, the Pharisees used to make a single proselyte each year. This is indeed the point of the Christian polemic: you Pharisees make only one annual

convert—whereas Christianity was engaged in an immediate and world wide missionary movement.[6]

This is all so preposterous as hardly to deserve consideration, even though suggested by a man as great as Jellinek. But this theory has been copied by other responsible scholars.[7] We shall therefore refute it briefly. First, Matthew 23.13 reads "Woe unto you, scribes and Pharisees, hypocrites! for ye shut up the kingdom of heaven against men: for ye neither go in yourselves, neither suffer ye them that are entering to go in." This verse cannot mean that the Pharisees were averse to proselytes. In this verse, entering the kingdom of heaven is not equivalent to entering Judaism; for it is plainly stated that the Pharisees are themselves outside the kingdom. The passage refers to Pharisaic doctrine and practice which—the author holds—bar out teachers and disciples alike from the true way of serving God. It has no connection with our subject. Second, by no stretch of the imagination can we find in Matt. 23.15 a denunciation of the Pharisees for not proselytizing widely enough. The words simply don't say any such thing. Third, the Midrash passage does not suggest that the Rabbis sought one convert a year. It states that the *cities of the Syrian coast* produce an occasional proselyte or "fearer of Heaven" and that this scanty harvest of righteousness alone explains why God has not destroyed these sinful places. Fourth, the vague statement of an Amora of the fourth century would in itself be insufficient proof of a situation supposed to have existed in the first Christian century.

4. Equally bad or worse are the remarks of Friedlaender.[8] In a passage worthy of the most anti-Semitic German professor, Friedlaender explains that the Pharisees did not want converts, because to receive the latter, they might have been forced to give up their narrow rigoristic legalism. They regarded converts as a plague.[9] They shut the kingdom of heaven against men, as shown by Matt. 23.13, which we discussed above. Verse 15, then refers to

one case only, perhaps that of Izates.[10] Hananiah was a liberal, tolerant Diaspora Jew, who was willing to admit Izates into Judaism without all the legalistic requirements. When the Pharisees heard of this, they at once dispatched Eleazar to persuade Izates to be circumcised and otherwise admitted by due form and ceremony. Matthew here attacks the Pharisees for their narrow fanaticism in seeking to transform every "fearer of Heaven" into a slave of Jewish ritualism.

Need one answer such poisonous nonsense? The verses from Matthew will not bear such an interpretation, nor will the account of Izate's conversion given by Josephus (See Ch. IV, nn. 43 ff.). And the enormous bulk of evidence presented in this essay gives the direct lie to Friedlaender's assumption that the Rabbis were narrow, hostile, and exclusive in their attitude toward converts.

5. The Christian commentators are equally off the track. The most recent works on Matthew which I was able to consult (aside from Strack-Billerbeck, to be mentioned immediately) were those of Allen (in the *International Critical Commentary*) and Plummer. Both these writers are still under the impression that the Pharisees were a small, exclusive, and isolated group. Allen even quotes Friedlaender. They suppose that the evangelist is wrathful only against *converts to the Pharisaic sect*, not against converts to Judaism in general. Admitting that the Jewish missionary movement was highly successful, they presume that this was extra-Pharisaic; the Pharisees, for all their fanaticism, had to scour land and sea to make *one* convert to their gloomy, formalistic doctrine.—In short, these "modern, critical" commentators did not even remotely understand the character and aims of Pharisaism.

6. A gratifying contrast is furnished by the learning of Strack and Billerbeck, who attach to the verse a well selected group of Rabbinic passages dealing with proselytism. There is also a brief account of the movement. These scholars are, however, apparently disturbed by the

extreme emphasis of the gospel language. Despite the interest of the Rabbis in conversion, they were not such fanatic missionaries as the verse would suggest. A partial solution of this difficulty is found in a distinction between the Rabbinic attitude before the rise of Christianity and the more conservative approach that resulted from the success of the new faith.[11]

* * *

For the proper understanding of the passage, we should examine the context. This series of woes against the Pharisees is an attack both on their supposed hypocrisy and on their sanctimonious formalism. The two are not clearly distinguished. For purposes of emphasis both the ritualistic fanaticism and the spiritual blindness of the Pharisees are depicted in the most extreme terms. "Ye devour widows' houses and for pretence make long prayer . . . (v. 14) ye pay tithe of mint, and anise, and cummin, and have omitted the weightier matters of the law, judgment, mercy, and faith . . . (v. 23) ye strain at a gnat and swallow a camel (v. 24) . . . ye make clean the outside of the cup and of the platter, but within they are full of extortion and excess (v. 25)." Now there is nothing inherently wrong in long prayer, tithing herbs, or preserving outward appearances; the point of the evangelist is that when they are combined with moral obliquity, these things are damnable. So in our present case. You go to any lengths, says he, to make a convert; then you make of him just such a legalistic, ritualistic, unspiritual, unchristian individual as yourselves.

This polemical passage is found only in Matthew, and can hardly be a genuine utterance of Jesus. It reflects the animosity of the early Christian community against Pharisaic Judaism, which had been not only unreceptive, but hostile to the new Messianic doctrine. Moreover, it dates from the time when the universalism and anti-nomianism of Paul had won out in Christian councils; for the first

Judaeo-Christians were at one with the Pharisees in their attitude toward the Law. It is unnecessary to point out that the picture of Pharisaism given here is biased, unfair, and even libelous. Nevertheless, by checking against other sources of information, we may find some elements of historic truth in the passage, and such certainly is the case with verse 15. It states—in exaggerated language—that the Pharisees were very eager to make converts: this is certainly borne out by all we have seen thus far. It also states that the converts of the Pharisees were twice as damnable—i.e., as punctilious in their observance of the *mizvot*, as their teachers. An instance of this is afforded in Rabbinic sources by the convert Onkelos, who was more scrupulous in observance of ritual detail than his master, Gamaliel I. (Above, Ch. XI, n. 81.) This same Gamaliel was Paul's teacher (Acts 22.3), so that it is conceivable that the author of our verse had Onkelos or someone like him in mind.

In short, this verse corroborates the testimony of Hellenistic, Roman and Rabbinic sources—that the official leaders of Judaism were eager to make converts and highly successful in achieving their aim. Distinction must be made between the highly colored style and the actual content of the passage.

NOTES TO CHAPTER XII

[1] *Essai,* pp. 227 f.

[2] "Die jüd. Proselyten," pp. 2, 3, 9.

[3] *Ibid.*, pp. 27 f. Also in "Der Vers in Matthäus-Evangelium: Einen Proselyten Machen," *Monatsschrift,* Vol. 18 (1869), p. 169 f., and in the first ed. of the *Geschichte*, Vol. IV, pp. 435 ff. See next n.

[4] Vol. IV, p. 100, n. 2.

[5] Gen. R. 28.5. See Ch. VII, n. 20.

[6] Jellinek, Beth HaMidrash, Vol. V, pp. 46 f.

[7] Hirsch in *JE*, Vol. X, p. 221; Kohler, *Origins of Synagogue and Church,* p. 160, n. 14. To see how error persists, cp. *The Encyclo-*

pedia of Jewish Knowledge, p. 358, where the theory bobs up again. These writers, however, do not state Jellinek's thesis exactly: it is too much in contradiction with all the facts to swallow whole.

[8] *Die Religiösen Bewegungen innerhalb des Judentums*, pp. 31 ff.

[9] See above, Ch. IX, n. 55.

[10] Above, Ch. XI, sec. 3.

[11] Strack-Billerbeck seem to be led astray by too literal a reading of the gospel language. On the supposed change in the Rabbinic attitude following the rise of Christianity, see Ch. XIII, passim.

CHAPTER XIII

HISTORICAL SURVEY AND CONCLUSION

We have now considered practically all the material found in Rabbinic literature that bears on proselytes and proselytism; and are ready to take up the connected historical account at the point where our introductory section ended. We had seen that, beginning before the close of the Biblical period and enlarging both in scope and intensity after the Maccabean victories, there was a movement in Judaism to win new adherents to the people and faith of Israel. This movement was implemented with extensive propaganda-literature, and beyond question by personal missionary effort, official or otherwise. Its success was very great.[1] To the questions we then asked: What was the attitude of the Pharisaic-Rabbinic group toward proselytism, and what was the fate of the missionary movement in Palestine and Babylon during the Talmudic period? we are now ready to give a definite answer.

The Pharisees and the Rabbis were eager for converts, highly successful in winning them, and friendly in their treatment of them. This is proved by their utterances, legal and non-legal, and by the results they achieved. The great bulk of the laws and aggadot presented in our second and third sections indicate a desire to win and befriend converts. And we have likewise found a large number of converts mentioned by name or otherwise specifically singled out in the sources—a large number that suggests the existence of a far larger group of average proselytes concerning whom we have no detailed information. Occasionally the texts themselves refer to these numerous converts.[2] It is foolish to suppose that Judaism

made such extensive conquests among the heathen without any missionary zeal on the part of Jewish leaders and teachers. Not only were the Rabbis courteous and friendly: they must have been enthusiastic and zealous to have achieved such results.[3]

Those Christian writers, with whom Friedlaender must be bracketed,[4] who assert through ignorance or prejudice that the Rabbis were generally hostile or even less than friendly to converts, need not be further answered. The weight of the evidence is all the other way. Nevertheless, there are some elements in the literature which range from suspicious to hostile in their attitude toward converts, and there are other materials *which have been mistakenly supposed to express such narrowness.* Moreover, it has been necessary to account for the indifferent or negative attitude toward converts which has prevailed in Israel for many centuries past and which (it has usually been assumed) is of ancient origin. Hence many scholars have supposed that the attitude of the Rabbis, originally favorable to proselytes, changed radically as a result of historic circumstances. Others have assumed throughout the Rabbinic period a division among the authorities—some narrowly nationalistic, others universalistic, the first rigoristic, the latter inclined to concession, the former hostile to converts, the latter friendly and warm. The two theories are frequently combined by the assumption that in the end, the narrow nationalists triumphed.

Thus Derenbourg assumes that there were three stages in the development of the Rabbinic attitude: 1.) Up to and during the first Christian century, converts were welcomed and accepted readily; 2.) as a result of the fall of the state and the Hadrianic persecution, proselytes were received more deliberately, after being solemnly warned of the difficulties and dangers that lay ahead of them; 3.) later still, when many converts *passed over the bridge of Judaism* to Christianity, proselytes were dreaded as a plague.[5]

Samter regards the Bar Kokba war as a turning point. So much so that he divides the entire history of Jewish proselytization into the following four periods: 1.) Biblical; 2.) from the Maccabean revolt to that of Bar Kokba; 3.) from the latter event to the French Revolution; 4.) the modern era. The failure of the Bar Kokba revolt and the proscription that followed were reflected within a generation by a rigoristic narrowness on the side of the Rabbis.[6]

Kohler regards both the Hadrianic persecution and the rise of Christianity as important factors in the change. Not only did converts become less welcome, but they were immediately loaded down with ceremonial requirements, whereas the emphasis in the early period was on the universal ethical values of Judaism.[7]

Derwacter announces without proof that the missionary movement in Judaism weakened, then ended, early in the Christian era, as a result partly of the increasing anti-Jewish sentiment and of the disastrous revolts against Rome, but chiefly of the growing spirit of narrow nationalism in Israel.

Klein supposes that in the earlier period formal converts were not especially desired; the missionaries merely tried to convert men to the religious and ethical ideals of Judaism, i.e. to make them "fearers of Heaven." Even those who presented themselves for formal conversion were allowed considerable latitude as regards performance of the law. Only after the rise of Christianity was a sharp distinction made between full and partial proselytes, and the emphasis laid on complete and formal conversion. With the Hadrianic persecution, missionary activity ends.[8]

Strack-Billerbeck ad. Matt. 23.15, Ginzberg[9] and Kasdoi (pp. 291 ff.) also assume that the rise of Christianity made a sharp difference in the Rabbinic attitude, and ascribe to anti-Christian sentiment all expressions of ill will toward converts.

Among those who suppose that sentiment regarding

proselytization was divided even from an early period are Derenbourg,[10] Graetz,[11] Samter (p. 9), Jellinek[12] and Lévi (pp. 29-30). The remarks of the latter are particularly surprising. After proving that many of the Talmudic passages supposedly hostile to converts are not so in fact, and that the actually unfavorable passages are few in comparison with the friendly utterances; after showing further that this same favorable spirit is found in many Amoraic passages as well as in the earlier sources—he concludes by stating that there were always two attitudes toward conversion, the friendly attitude being more strongly marked in the Diaspora, the negative attitude in Palestine. Gradually this suspicious and inhospitable stand-point grew stronger; the fall of the Temple, Christian competition and persecution, defections of some converts, the theological reaction caused by the triumph of Paul, fear of national disintegration and an intensified group loyalty fostered by misfortune, the unwillingness to involve strangers in the tribulations of Israel—all fostered this reaction. But whereas this negative view entered into the halakah, which betrays both tendencies, the aggadists remained firm in their friendly attitude to converts. And it is in the aggadah that we find the prophetic soul of our people. All these statements Lévi presents without proof at the close of an essay that convincingly demonstrates their incorrectness.

In my humble opinion all these scholars are wrong. *The attitude of the Rabbis, throughout the Talmudic period, was favorable to conversion and friendly to converts.* The exceptions are minor, and do not suffice to prove that there was an anti-conversionist group among the leaders of Israel. But it seems probable that *among the people as a whole there were certain prejudices against converts.* These prejudices were probably analogous to the dislike of the foreigner which we so often meet in modern nations. The few passages we have found in which the Rabbis attack converts are best explained as

cases in which these popular prejudices invaded the scholarly class. As a rule the Rabbis were not only free from these prejudices: *they actively opposed them.* This will become more convincing as we review the field chronologically.

Scholars have sought to find a cleavage between Shammai and Hillel and their schools on this subject. Shammai, the bigoted chauvinist, and Hillel, the broad universalist, are frequently contrasted. The evidence for this consists of 1) a certain halakic controversy, 2) the stories of three converts who were rejected by Shammai and received by Hillel. We have already reproduced the arguments of Lévi on these matters. The aggadic narratives (which are as much legend as history) do not show Hillel as more eager for converts than Shammai, but as possessing a more even and lovable disposition. The halakic controversy is not relevant to our subject. We have furthermore shown that in another halakic dispute between the two scholars—one that really does concern proselytes—the Shammaites took the *less* rigorous side.[13] No doubt Hillel and his followers, loving mankind and striving to draw them nearer to the Torah, made many converts; but there is no reason to assume that Shammai, who urged his disciples to give everyone a friendly reception, took issue with his colleague in these matters.

In the first Christian century, proselytizing was very active, as the New Testament witnesses. (See Ch. XII passim.) It was in this period that R. Gamaliel I found so congenial a spirit in his disciple Onkelos[14] and that the great triumph of missionary Judaism—the winning of the royal family of Adiabene—occurred.[15] Despite all statements to the contrary, the two advisers of Izates reflect, not different schools of Jewish religious thought, but merely different types of character. Hananiah was willing to compromise a principle for the sake of safety; Eleazar was not.

In the midst of the very revolt against Rome, we find

evidences of this activity: an outstanding Jewish fighter is Simon son of the Proselyte;[16] popular rage attempts to force Judaism on a prisoner of war.[17] And we even hear of Roman soldiers, stirred by the heroism of the beleaguered Jews of Jerusalem, who joined them in their defence of the doomed city.[18]

With the fall of the state and the destruction of the Temple, the aged Johanan b. Zakkai and his school set about the reconstruction of Jewish life. One of the many decrees that issued from Jabneh in that critical period—when surely no time could be wasted on matters of theory—concerned procedure in conversions, since the new proselytes could no longer bring the customary sacrifice.[19]

Such regulation was not superfluous. In the decades that followed the debacle of the year 70, the proselyte movement continued with startling success. Graetz was the first to point out that it was precisely in the period of Jewish national disaster that Judaism made the greatest headway among the patricians of Rome. The number of noble converts and semi-converts was particularly large during the reign of Domitian. Graetz suggests brilliantly that the Romans were attracted to Judaism by the matchless heroism with which its adherents defied the imperial power. Whereas the old Roman aristocracy were terrorized by the military dictators who held the imperial office, above all by the savage and treacherous Domitian, the Jews had openly challenged the might of Rome—and even in defeat were unshakable. They alone were excused from the duty of emperor worship, not so much out of Roman tolerance as out of the recognition that no physical power could make them conform. It was this high moral courage that attracted the intimidated Roman patricians.[20]

As in Italy, so in Palestine, the Jewish leaders after the fall of the state were keenly interested in proselytization. We find the leading disciples of R. Johanan b. Zakkai,

namely R. Eliezer, R. Joshua, and R. Gamaliel II, concerning themselves both with the legal aspects of conversion[21] and with the religious and ethical aspects embodied in various aggadot.[22] This is the period of the eminent proselytes Beluria and Aquila; among others, we hear of Judah the Ammonite. It has been generally recognized that R. Joshua was a leader in this movement; but scholars are largely in error when they suppose that R. Gamaliel and R. Eliezer were unsympathetic to his purposes.

Regarding R. Gamaliel, the only evidence of a hostile or rigorist attitude to converts is his objection to the admission of an Ammonite to the congregation. But there were weighty Biblical arguments on his side; it is not necessary to suppose that his opposition rose out of ill will, though R. Joshua's attitude obviously reflects positive good will.[23] This same Gamaliel was approached by Beluria with a question about the Bible;[24] and it was under his direction that the Tefillah was edited—that liturgy which contains a special prayer for proselytes.[25]

While scholars rarely mention R. Gamaliel's supposed bias against converts, they make a great deal of R. Eliezer's. He is supposed to have inherited the narrow Shammaite tradition, while R. Joshua was the bearer of the broad Hillelite spirit. We have already shown that the narrow Shammaitic tradition—so far as converts are concerned—is purely imaginary. But let us review the evidence (which has been presented piece-meal) for the hostility of R. Eliezer to converts. First, there is the legal controversy with R. Joshua as to the decisive act of conversion,[26] which is supposed to prove that R. Joshua was a Reform Jew and R. Eliezer a bigot, and which we have shown conclusively proves nothing of the sort. Other evidence has been collected by Bacher.[27] It includes:

1. The story of the sinful woman whom Eliezer refused to accept as a convert. On examination this story proves to be garbled: it does not really concern either R. Eliezer or a convert-woman![28]

2. His opinion that the nature of the convert is evil. But as we have shown, following Lévi, Eliezer uses this supposed fact, the doubtful sincerity of converts, as *an argument for treating them well.* He does not wish converts to relapse.[29]

3. His sharp reply to Aquila's question, which R. Joshua answered with so much more tenderness.[30] But this episode, as is evident from objective scrutiny of the texts, doesn't suggest any animus against converts as such. It merely shows R. Eliezer's quickness of temper. He detected (probably without just cause) a certain impudence in Aquila's question; and he became angry. But elsewhere we find him joining his colleague in praise of Aquila's Bible-translation.[31]

Further Bacher's thesis is flatly contradicted by R. Eliezer's aggadah, in which God exhorts Moses to receive Jethro graciously and to set an example to future generations of welcoming every prospective convert.[32] To escape this embarrassment, Bacher would ascribe this homily to R. Eliezer HaModai,[33] but there is no basis for this reading in any of the texts. There is no need and no reason to doubt that R. Eliezer b. Hyrkanos was the author.

The fact is that we have to do here with a peculiar personality. We know this strange man better than most of the Rabbis; his unique characteristics are reflected more vividly in the records than is usually the case. Learned, earnest, sincere, he somehow lacked the ability to get on with other people. The conflicts and disappointments of his life no doubt embittered a disposition that was naturally far from sunny. And so we find R. Eliezer generally grouchy and disapproving. He certainly had no great confidence in most of his colleagues; he disliked women with pretensions to learning;[34] he regarded Gentiles as almost incurably idolatrous;[35] he characterized the words of the sages as "coals of fire."[36] It is not surprising that he should have viewed converts with a suspicious eye, or

resented what he considered Aquila's impertinence. But he held that converts should be welcomed and treated with every kindness even though—nay, just because—they may backslide. In his attitude toward converts, R. Eliezer differed from R. Joshua in no basic principle. Their divergencies here (except in the halakic controversy, where something entirely different was involved) reflect their differences of *temperament and manner*—nothing more.[37]

The most eminent disciple of these scholars, R. Akiba, is reported to have been of a proselyte-family; but this tradition, as well as a similar one concerning his most brilliant pupil, R. Meir, is open to doubt.[38] Be that as it may, we find Akiba addressing as "my son" an Egyptian convert named Benjamin who was one of his pupils.[39] We also note that he dealt with a question of convert law during his travels in Syria.[40]

R. Akiba went to Rome in company with his three teachers, Eliezer, Joshua and Gamaliel. The accounts of this journey preserved in our sources are fragmentary and mixed with legend. Beyond question they went on a special and urgent mission, for they took their departure during *Sukkot*.[41] They are further represented in the sources as engaging in religious disputations while in Rome. It has therefore been supposed that the sages went to the imperial capital to further the proselyte movement. Graetz, as we have seen,[42] asserts that one of the chief aims of the mission was the conversion of Flavius Clemens. Hershberg, however, would place the journey a few years later, during Nerva's tolerant reign, and supposes that the sages went to Rome to establish a *yeshibah* which should serve as a center for the dissemination of Jewish propaganda. It was this academy over which R. Matya b. Heresh later presided with distinction; and the schools established in Babylonia by R. Judah b. Betherah (Nisibis) and by R. Hananiah the nephew of R. Joshua (Nehar Pekod)[43] had a similarly missionary aim.[44]

It seems to me, however, that only a grave emergency

would have led the Nasi and the three leading scholars of Palestine to leave the country together during Tabernacles. One might even question whether these dignitaries would have been effective missionaries in Rome, and whether the more occidentalized Jews living there could not accomplish as much without them. It seems far more likely that the Rabbis came to Rome as a deputation to secure protection or benefit for their own communities. We do not know what occasioned this mission; but the legation to Caligula, of which Philo was a member, is possibly an analogous case.[45] As for the academies in Rome and elsewhere, they no doubt served to some extent as centers of conversionist propaganda. But it seems indubitable that their primary function was to spread, among Diaspora Jews, the knowledge and practice of the Torah *as these were being newly standardized in the Palestinian schools.* This suggests an interesting line of study, but one far afield from our present concern.

We come now to the revolt against Hadrian and its horrible aftermath of destruction and persecution. These events had a far-reaching effect on many aspects of Jewish life, which have been pointed out by various historians. The assumption that a new attitude toward converts resulted is a natural one, especially in view of Hadrian's enactments at the end of the revolt. Among these was a law forbidding circumcision, on pain of heavy penalties or even death.[45a] Although Antoninus Pius modified this rule to the extent of legalizing the circumcision of born Jews, it remained in effect so far as Gentiles, free or slave, were concerned. Thus, some scholars have assumed, the Jews were forced to stop proselytizing; and embittered by persecution, they themselves took a narrow attitude toward converts and conversion.[46]

It should be pointed out that the Hadrianic law was not directed against conversion as such, but against circumcision. Thus conversion of a heathen woman was legitimate, circumcision of a Jewish child criminal.[47] That

the Jews violated this law, so far as it related to their own children, is well known; they usually did so in secret;[48] sometimes they were discovered and punished.[49] Beyond question, they continued to make proselytes when and where they could. The simplest proof is that we hear of converts from this very period, associated with some of its leading teachers, R. Jose, R. Judah, and R. Meir.[50] It is to be supposed that the number of converts in those days was small in comparison with earlier times; but there was no appreciable change in the attitude of the Rabbis.

Thus, R. Simeon b. Johai was one of the heaviest sufferers by the persecution, and was led in his resentment for years of undeserved misery to exclaim: "Kill the best of the Gentiles!"[51] A story, the historicity of which we have questioned, asserts that Simeon was betrayed to the Romans through the indiscretion of the son of proselytes.[52] Yet we have from this teacher a positive statement that the convert is dearer to God than the born Jew.[53]

R. Judah, all scholars agree, was particularly favorable to converts. We have noted already several legal battles which he fought in order to eliminate certain discriminations against converts, and other decisions in which he showed his friendly spirit.[54]

There is more doubt regarding the attitude of R. Jose b. Halafta. He upheld the majority view that the convert may marry a *mamzeret*, which was a disability rather than a privilege.[55] In a case involving this question, R. Jose's treatment of the convert seems to have been less than friendly.[56] In other matters R. Jose takes a more lenient stand than R. Judah. We cannot suppose he was more favorable to converts than the latter: other legal questions were involved; still R. Jose's leniency suggests that he was not actively hostile.[57] Moreover, R. Jose, in opposition to some teachers, expected the ultimate conversion of all the heathen.[58] In any case, though less enthusiastic about converts than R. Judah, R. Jose cannot be regarded as actively opposed to proselytization.[59]

We may add that in this generation there was preserved (or else invented) the memory of the Roman executioner, who was converted by R. Hananiah b. Teradyon in the very moment of his martyrdom.[60]

There is thus no evidence that in the generation that saw the worst of the Hadrianic persecution, the Rabbinic attitude toward converts changed appreciably. According to Samter the change took a little time. Whereas R. Judah was exceedingly tolerant toward converts, his son R. Jose was so rigorous that he insisted on the acceptance of every detail of the Law, written and oral, by the candidate for admission.[61] We have already seen that this contrast is based on the mistaken assumption that the earlier generations allowed great latitude to converts. Nor is there any hint of unfriendliness in the warning to prospective converts, delivery of which is prescribed in the halakah of this period.[62] The warning is only fair and decent, and the law forbids us to discourage the candidate unduly.

As for Kohler's notion that at this time an emphasis on ritual detail supplants an earlier ethical stress in the instruction of converts, there is no reason to suppose that in the earlier period, the converts were not taught the halakah. Nothing can be proved from the Didache.[63] And the story of Hillel[64] which Kohler adduces as further proof, rather refutes his theory. For after summarizing the whole Torah in an ethical principle, Hillel advised the young convert to go learn the concrete applications of this principle!

The outstanding figure of R. Jose b. Judah's generation is, of course, R. Judah the Prince. We find this great man concerning himself several times in the affairs of proselytes.[65] In addition, the Mishnah as it issued from his academy contains a great many references to proselytes, which have been duly recorded in our legal section. Included in this standard legal work is also a warning against insulting the convert.[66]

From the Tannaitic period there is indeed a tremendous body of material on our subject, found not only in the Mishnah, but also in the Tosefta, the halakic midrashim and in beraitot scattered through later works. Without again reviewing Parts II and III of this essay, it may be stated that both the legal and the aggadic material is overwhelmingly favorable toward converts; and that the exceptions are exceedingly rare.

The completion of the Mishnah marks the close of an era. But in the new period there is no indication of a change in attitude toward proselytes. The family of Rabbi welcomed converts,[67] the liberal attitude of Bar Kappara was continued by his disciple, R. Joshua b. Levi.[68] Although fewer cases of proselytism in Palestine are mentioned during this epoch than in the previous centuries, they occur throughout the entire period. The discussion of the legal aspects of proselytism, the expression of non-legal opinions on the subject, and the elaboration of Biblical stories about converts all occurred frequently in the Palestinian schools. The attitude is just as markedly favorable as in Tannaitic records.

To demonstrate this in detail would involve a complete review of the previous sections. We shall, however, limit ourselves to a few points that require elaboration. Bacher[69] gives the following reference: "Halachisches über Proselyten, wobei Jochanan humaner entscheidet, als S. b. Lakisch, s. bei Horovicz (1872), 2." To what work he refers here, I have been unable to determine: the catalogues of the New York Public Library and that of the Jewish Theological Seminary failed to furnish a clue. There does not, however, appear to be any great difference of attitude between R. Johanan and his colleague. Regarding the marriage of Ammonites and Egyptians with Jews and priests, Johanan is more liberal;[70] but most of their controversies about converts seem to be of a purely legal character.[71] R. Johanan was very rigorous about the baptism of converts, to the extent of penalizing

those who omitted this rite.[72] In the aggadah, both scholars express themselves as ardently favorable to proselytism.[73]

One of the most strongly hostile utterances we have met is ascribed to R. Isaac,[74] presumably the famous aggadist, a pupil of R. Johanan. We have already noted[75] that this same R. Isaac elsewhere expresses his disappointment that converts do not come of their own accord. To this should be added that in another place R. Isaac advises us to repulse the convert with one hand and draw him near with the other.[76] While it is quite probable that some of these texts are incorrect, it is still doubtful which are the more reliable; and we cannot be too certain that R. Isaac was opposed to conversion.

We now approach the time when the growing power of Christianity rises toward triumph. R. Abbahu probably lived to hear the Edict of Toleration proclaimed in the name of Constantine (313 C.E.). At Caesarea he engaged in many controversies with Christians. His polemic utterances are perhaps the sharpest in Talmudic literature.[77] Surely, if the rise of Christianity aroused Rabbinic antagonism to converts, we should find it expressed by this outspoken apologist! Yet Abbahu was the author of a famous homily in behalf of proselytes, and also favored them in legal matters.[78]

When R. Helbo, in the next generation declared that converts are a plague, he was in no sense expressing a general opinion. His teacher, R. Samuel b. Nahman, was definitely favorable to converts.[79] So likewise, R. Helbo's disciple, R. Berekiah.[80] It may be added that R. Helbo's utterance implies that converts were not infrequent in his day; and his contemporary R. Hanan (no doubt, R. Hanan of Sepphoris) reports that at least occasionally converts were made even in the wicked cities of the Syrian coast.[81]

When Christianity first became the official religion of the Empire, the Jews were not severely oppressed. But

from the start measures were taken to stop them from proselytizing either among the heathen or the Christians. Whereas the law had previously forbidden only the circumcision of non-Jews, conversion itself now became a crime. Both the convert and those who received him were subject to severe penalties, and ultimately the death sentence was fixed as punishment for the Jew who converted another to his faith. The various Roman enactments, increasing the rigor of the penalties from time to time, indicate that the prohibition was by no means effective.[82] The laws against the circumcision of Gentiles were strengthened, but here also with limited results, for the rite was practiced also by some heretical Christian sects. This is indicated by the fact that these laws, while forbidding circumcision in the future under threat of dire punishment, expressly grant amnesty for past instances of this offence.[83] Most remarkable of all is a passage in the code of Theodosius, which threatens the Patriarch with future penalties, if he orders or authorizes circumcision of slaves, Christian or otherwise.[84]

When this rule was promulgated, the schools of Palestine were in a state of rapid decline. Creative activity in halakah had ceased, and R. Tanhuma was the last distinguished aggadist. The Palestinian Jewish community had declined in numbers and weakened in spirit. Yet conversions to Judaism still occurred frequently enough to irritate the authorities of Christian Rome.

Thus Jewish and non-Jewish sources alike prove that the Jewish leaders wanted converts and in spite of their own state of misery—which must have been a terrific handicap in achieving such a purpose—they made a surprisingly large number of proselytes. Neither the rise of the daughter faith nor the oppression and persecution of the Roman power embittered the Rabbis against proselytism or against those who came over to the faith of Israel.

There are just two effects which Roman oppression and

Christian competition seem to have had on the Rabbinic approach to conversion. First, as regards semi-converts. In the earlier period there was a regular class of *metuentes*, more or less permanently attached to the synagogue but not formal converts to Judaism; yet we rarely meet in Talmudic sources with "fearers of Heaven." Such individuals must have been objects of suspicion during troublous times; they might be informers and spies; they might be heretics seeking to undermine Judaism. The demand that they be circumcised was a stern, but dependable test of sincerity. As a result the rule was finally laid down that semi-proselytes must decide within a year whether they would become full converts; if they remained uncertain at the end of a year, they were to be regarded as out-and-out heathen. This trend is marked also by the fact that references in earlier aggadot to "fearers of Heaven" are displaced in later versions by "righteous proselytes."[85] So also later generations, unable to believe that Rabbi would have had an intimate friendship with a Gentile, represented Antoninus as a full proselyte.[86]

The other effect of external pressure has to do with slaves. Whereas R. Akiba and other leading authorities were strictly opposed to the retention of uncircumcised slaves, the later Palestinian sources are less rigorous. If after twelve months the slave still refuses to submit to the operation "it is permitted to sell him to a Gentile" or according to another view "all is dependent on local custom." Comparison of Palestinian and Babylonian sources strongly suggests that in the former country, some concessions were made by the halakists in view of the Roman law forbidding the circumcision of non-Jews.[87] We know that this law was often violated when it was safe to do so;[88] but apparently the Rabbis allowed their followers some leeway for their own protection.

These two points hardly modify our statement that throughout our period the Rabbis were eager for proselytes. Though they no longer encouraged the half-hearted

to remain unofficial devotees of the synagogue, they were as eager as ever for full converts.[89] And though the Palestinian scholars did not insist that every uncircumcised slave be sold, a large proportion of the slaves in Palestine were formally inducted into Judaism.

The situation in Babylonia raises some interesting problems. Beyond question there was an extensive and successful proselytizing movement in that country. Whole communities seem to have adopted Judaism, as well as numerous individuals.[90] Several converts and descendants of converts attained distinction as teachers.[91] Various Rabbinic authorities are mentioned as specially interested in or favorable to converts.

An important bit of evidence for our purpose has come from the excavation of the famous synagogue at Dura-Europos. An inscription on the building, dated 245 C.E., names a proselyte as one of the committee of three who supervised the construction of the synagogue. Unfortunately, the convert's name has been obliterated.[91a]

There is to my knowledge no utterance by a Babylonian teacher that is explicitly unfavorable to conversion.[92] On the other hand, it is chiefly in the Babylonian Gemara that the hostile statements of Palestinians are preserved.[93] Most of the aggadot that represent converts in a favorable light are recorded in Palestinian sources, though not a few are found in the Babli.[94] There are even a few aggadot of Babylonian origin that are particularly emphatic in their pro-conversionist attitude: the criticism of the patriarchs for rejecting Timna, and the legend that Nebuzaradan, through whose agency the Temple fell, became a penitent and proselyte.[95]

Perhaps the very number of converts in Babylonia may have intensified the prejudice of some Jews.[96] Where whole localities converted, they may have retained a certain Gentile atmosphere in their life, despite the sincerity of their professions, which was displeasing to some of the "hundred per centers." At any rate, there is no more than

an undercurrent of such dissatisfaction among the Babylonian Jews. Utterances regarding converts are always friendly; and in the halakah—the true test of the temper of Babylonian scholars—there is no indication of a hostile reaction in that country.

The first important leader in Babylonia is Rab, founder of the academy of Sora. To him is ascribed the composition of the sublime *alenu*-prayer (the *Teki'ata de Be Rab*), in which the hope that humanity may be united in the worship of one God is eloquently voiced.[97] On the practical side this teacher laid down the law that we may not reject converts because we think they have an ulterior motive; but in such cases we should make a special effort to win their friendship.[98]

The last great figure of the Talmudic era is R. Ashe (d. 427). We have already seen him asserting that the "destiny" of proselytes was present at Sinai, so that they, like born Jews, were freed from the taint of original sin.[99] The same scholar applied the Biblical expression "bold of heart" (Is. 46.12) to the inhabitants of his city, Mata Mehasia (Sora): "for they see the glory of the Torah twice a year (during the *Kallah* assemblies), yet none of them is converted."[100] Obviously this situation was a cause of chagrin to the leading Jewish scholar of Sora. Thus, from the beginning of Talmudic activity in Babylonia to the days when it was drawing to a close, the leading spokesmen of Judaism were eager for converts.

Our case is completed. We have seen that both in Palestine and Babylonia, throughout the entire space of time considered, despite the fall of the state, despite persecution, despite the rise of Christianity, the Rabbis wanted converts and got them—and held them. Their success in the face of such discouraging odds is the best proof of their missionary ardor, and of the warm welcome which proselytes received.

In the presentation I have limited myself almost entirely to material that deals with conversion in a specific

and technical sense. In view of the bulk of this material, it seemed unnecessary to bring further proof of my contentions by citing the numerous universalistic statements of the Rabbis. Such utterances have been collected many times.[101] But it should be remarked that the liturgy of the high holy days, dating from our period, voices in magnificent style the hope of a mankind joined in mutual fellowship and in the worship of God. The *Alenu* prayer, originally composed for the New Year service, but for many centuries incorporated in the daily liturgy, and the prayer beginning *U-beken ten pahdeka*, are eloquent testimony to the breadth of the Messianic hope in Rabbinic Judaism and the universal character of the concept: "kingdom of Heaven."[102]

The question remains: When did the attitude of indifference toward proselytization (or even of hostility) become dominant among the official spokesmen of Judaism? For the present we can only answer: not in the Talmudic period. To determine the date and circumstances of this change will require an extension of our inquiry into later sources. To judge by casual impressions, there is considerable material available for such a study, which would undoubtedly be of great interest. For the present I want to point out just one striking fact. The aggadic Midrashim were edited after the close of the Talmudic period proper, most of them in Palestine, where Christian rule grew more oppressive and cruel from year to year. Yet in these works the utterances of earlier teachers in behalf of proselytes were preserved without modification; and one of the latest, the first part of Numbers Rabba, contains an entire chapter in defense and praise of converts. This seems to indicate that the favorable point of view we found among the Tannaim and Amoraim continued for a long time.

It remains for us to consider the social position of converts during the Talmudic period. On this theme there is not a great deal of definite information. The attitude of the Rabbis—the official spokesmen of Judaism—on a ques-

tion can usually be determined with ease from their pronouncements. But popular feeling and practice can only be inferred from occasional allusions in the literature. Particularly is this the case when the Rabbis were out of sympathy with a popular notion or custom; for they did not as a rule advertise by attack the ideas or practices they disliked, but proceeded by more oblique methods.

By this I do not mean to suggest that there was a sharp cleavage between Rabbis and people on the subject of converts and conversion. We are not to picture the Rabbis as trying to secure for converts a friendly welcome, which the laymen accorded unwillingly. But it seems altogether likely and natural that at times converts should have met with coldness and hostility, against which the enlightened leaders did their utmost to protect them. Moore remarks very properly "Equality in law and religion does not necessarily carry with it complete social equality, and the Jews would have been singularly unlike the rest of mankind if they had felt no superiority to their heathen converts" (Vol. 1, p. 335). From time to time this sense of superiority no doubt expressed itself in a condescending or contemptuous attitude. Converts (it was said) are not acquainted with the details of religious observance, nor sufficiently careful about them.[103] Of course such opinions do not necessarily represent undiluted prejudice. Particularly in areas where large groups had been converted *en masse*, considerable remnants of heathenism and comparative ignorance of the halakah might prevail.[104] Similarly, the questions sometimes raised as to the sincerity of converts and the fears that they might revert to their original idolatry certainly were not without some basis in experience, though at times they may have been unwarranted.

All this is easily comprehensible to the modern American. Though this country has welcomed immigrants, and though many of them have achieved eminence and honor, one still meets with the notion—sometimes expressed by

those who should know better—that foreigners are particularly prone to crime and to communism, that they are unpatriotic, that they do not fit into the American scheme. Yet it would be most unfair to label this attitude as the typical American viewpoint, or to regard it as the official stand of the government because some Congressman once expressed it in a speech. In this light we must regard the few utterances unfavorable to proselytes that have been preserved in the Talmudic literature.

We can also understand from our own experience the human impulse to give an offensive label to someone we do not like, to call one who bested us in a business deal a tricky Jew or complain of the Dago who bought the property we wanted. Such outbursts do not necessarily imply a dislike of Jews or Italians as such; it is just that we seize upon alien (or supposedly alien) birth as a means of hurting someone we are angry at. When a convert studying the Torah engaged a born Jew in argument, it is but natural that the latter, hard pressed, should exclaim: How dare you, who but yesterday were eating pork and worshipping idols, argue with me? Or if a man of foreign descent angered a pure-blooded Jew (if there be such), it is comprehensible that the latter might have twitted the former with the idolatries of his ancestors. From the emphatic protest of the Rabbis against such petty meanness, we assume that incidents of the sort did occur.[105] But in any case, we would have to assume that such things happened occasionally, because the Jews of those days were human beings. That proselytes were constantly subjected to humiliation cannot be imagined. The success of the Jewish proselyte movement would have been impossible if converts everywhere met with unfriendliness after their conversion.

It is probable that the wealth and rank of converts had a good deal to do with their treatment by the Jewish group. Not that the poor convert was inevitably persecuted; but surely people like Queen Helena of Adiabene

and Beluria were assured of special regard and respect. Graetz has pointed out that Judaism made numerous conquests among the Roman nobility; but folk of humble origin must also have been numbered among the proselytes.

A few specific details may be noted. It seems to have been a regular custom to designate converts as "so-and-so the proselyte," and equally to refer to their descendants as "son of proselytes." Of the cases listed in Chapter XI, almost every convert who is mentioned by name and concerning whose status as a convert there is no doubt is so labeled. Beluria, Aquila-Onkelos, Judah of Ammon, Benjamin, Neophytos, and Issur are all regularly called "the proselyte." From widely separated periods we learn of Simon b. Giora, Judah b. Gerim, and R. Isaac b. Jacob b. Giore. The only converts mentioned by name in the literature, regarding whose conversion there is no question of fact and who are not thus designated, are Helena of Adiabene and her family, and R. Samuel b. Judah.[106] Apparently no slight was either intended or felt regarding such designation. Some people were called by their trade or their birthplace—these by a different but equally distinctive characteristic. Certainly figures as eminent as Simon b. Giora and Aquila would not have been so designated had the reference to their foreign origin been thought of as insulting.

Proselytes were found among the "disciples of the wise," but in the early period none received ordination. (Shemaiah and Abtalion, as well as R. Judah b. Gerim, are proof that foreign *ancestry* was no bar against such an honor.) The most eminent of these scholars was, of course, Aquila; quite probably his preoccupation with Scripture did not afford him the opportunity to become a master of halakah, without which he could not aspire to the title of Rabbi. There is no need of assuming any prejudice against ordaining a convert; one who came to Judaism as an adult was bound to be handicapped in

memorizing a vast body of traditional law that born Jews had been absorbing since childhood. Two Babylonian proselytes bore the title of Rab. One, Samuel b. Judah, was converted with his father, no doubt at an early age. Of the other, R. Judah the Hindu, we know almost nothing.

The Tanna R. Elazar b. R. Zadok was once asked "why all run to marry a convert woman, whereas all do not run to marry a freedwoman?" This phraseology is a trifle confusing. It does not mean that convert women are so intensely popular that everyone wants to marry them, but rather that *in comparison with freedwomen*, converts are popular. R. Elazar's answer confirms this interpretation: slaves are under a Biblical curse; and besides, the virtue of slave girls is more open to question. This indicates, as we have pointed out previously,[107] that while converts and freed slaves were legally in the same category, the convert of free birth occupied a separate and higher social position. There seems to have been little or no prejudice against intermarriage with converts. Priests were indeed forbidden by law to marry women of foreign birth; an exception was made by some authorities when the woman was converted in early childhood. Several such cases are recorded.[108] If the priestly aristocracy would make such concessions, we need not doubt that marriages between Jews and converts were frequent.

The Palestinian sources contain some theoretical legislation about the holding of public office by converts.[109] But we hear of no case in which the appointment of a convert to any communal post was either suggested or made. The Babylonian Talmud reports conflicting views; some scholars approved of such appointments, especially if the convert had a Jewish mother.[110] R. Zeira (a Babylonian scholar domiciled in Palestine) and Rabbah b. Abbuha are mentioned as especially interested in the public advancement of proselytes. The same report continues: "In the West (Palestine) they would not appoint even a

supervisor of measures from them (proselytes). In Nehardea they would not even appoint a supervisor of irrigation from them."[111] The word "even" occurs in these sentences because the posts carried no great authority. Although we have nothing in Palestinian sources to corroborate the report concerning practice in that country, I find nothing to contradict it. On the whole, the Babylonian practice seems to have been the more liberal.

In closing this study, a word of protestation. Whereas some Christian scholars represent the Rabbis as typically hostile to conversion; whereas most Jewish interpreters have found a division of attitudes on the subject, my conclusions go to the opposite extreme. The Rabbis throughout the Talmudic period were more than favorable to proselytization. In certain areas there were popular prejudices against converts, who were not merely adopting a new creed, but entering a national group to which they were previously alien. But these prejudices were by no means universal, though they were important enough for the Rabbis to combat them by legislation and by preaching. Very occasionally, we find such hostility among the teachers, but so rarely that we can in no way regard it as a typically Rabbinic attitude. My protestation is simply this: I was forced to this interpretation by the facts themselves. I began this study with the preconceived notion that there was considerable anti-conversionist sentiment among the Rabbis, especially in the later centuries of the Talmudic period. As I studied the sources, I was amazed to find how negligible are the negative utterances, and how enormous the bulk of the pro-conversionist data. In particular, the extent of the proselyte movement in the Babylon of the Amoraim, which few of the writers have mentioned (Samter is the principal exception, and he does not cover the subject thoroughly) was most impressive. In short, my interpretation is not intended to represent the Rabbis in the most favorably universalistic light possible, but simply to fit the objective data we possess.

For it would not have been to the discredit of the Rabbis, had persecution, oppression, and disappointment soured them toward converts. It was indeed natural for scholars to suppose that this is what happened. But so far as our facts indicate, it had not happened, at the close of the fifth Christian century. We have then, remarkable proof of the hopeful, aggressive, and universalistic spirit of the Talmudic sages in spite of the terrific problems, material and spiritual, they had to face.

Indeed, the universalism of the Rabbis was perhaps more genuine than that of the daughter religion. It was expressed in policies which did not compromise the religious ideals of Judaism for the sake of missionary success. Even the Pauline gospel attained its wide appeal as much by the addition of pagan mythical elements to Jewish dogma as by the abrogation of the Law; and later Christianity conquered the Roman world and lost its own soul in so doing. Mohammed, also, after his first attempts to win adherents by persuasion were unsuccessful, resorted more and more to unscrupulous trickery and merciless force, until his early religious teaching was lost in a great military-political adventure. The Rabbis never considered trading the name of universalism for its essence. It was their aim to change the non-Jews so that they might be amenable to the universal truths of Judaism, not to water those truths so as to make them palatable to the heathen. Thus the converts who came to Judaism increased the numbers and strengthened the morale of Israel without appreciably changing the essential character of Jewish life and thought.

That the Rabbis did not resort to the pseudo-universalism of conversion by force is perhaps not to their credit, since they lacked the means to do this. But that in the face of all discouragements they continued to seek converts, and that they secured such despite all the disabilities and dangers that the convert had to face, testify eloquently to the persistence in Israel's darkest days of a vivid Messianic

hope, an expectation of the Kingdom of Heaven, when the Lord should be One and His name One.

NOTES TO CHAPTER XIII

[1] Above, Ch. II.

[2] Ch. IX, nn. 30 ff.

[3] The lack of missionary zeal is assumed throughout by Weil, Derenbourg, Jellinek, and Graetz. This assumption is explicable only in the light of nineteenth century conditions. The extensive apostasy among Jews for the sake of worldly advancement, which was encouraged by the policy of the German states, made the very notion of proselytism disgusting to many loyal Jews. Especially potent was the influence of Mendelssohn, who in his letter to Lavater and in *Jerusalem* denied that Judaism has any interest in winning new adherents.

[4] See Ch. XII.

[5] *Essai,* p. 228, n. 2.

[6] See Samter, beg., and pp. 15 ff.

[7] *Origins of the Synagogue,* pp. 160 ff.

[8] Klein, pp. 244-254.

[9] *Unbekannte jüd. Sekte,* p. 125-126.

[10] *Essai,* p. 224 f.

[11] "Die jüd. Proselyten," p. 9. Here the suggestion is made that converts to Judaism via Christianity were particularly suspect: a view that is not borne out by what we know of Aquila.

[12] *Eine alte Schutzrede,* p. 1.

[13] See Ch. IV, nn. 18 ff., Ch. V, nn. 36a ff., Ch. XI, sec. 2.

[14] Ch. XI, nn. 81 ff.

[15] *Ibid.,* sec. 3.

[16] *Ibid.,* n. 1.

[17] Ch. II, n. 14.

[18] Ch. XI, sec. 7.

[19] Ch. IV, n. 30.

[20] This is the thesis of "Die jüd. Proselyten"; see especially the beginning and end of the essay.

[21] E.g., Ch. IV, sec. 3a; Ch. V, sec. 12.

[22] E.g., Ch. XI, nn. 59, 78.

[23] Cp. Samter, p. 9. For R. Gamaliel's position in this controversy, see esp. the version of t. Yadayim 2.18, above, Ch. V, n. 71.

[24] Ch. XI, n. 59.

[25] Ch. V, sec. 3.

[26] Ch. IV, sec. 3d.

[27] *AT* I, 1, p. 80 f.
[28] Ch. XI, sec. 11.
[29] Ch. IX, nn. 63 ff.
[30] Ch. XI, n. 78.
[31] *Ibid.*, n. 73.
[32] Ch. X, n. 61.
[33] *AT* I, 1, p. 108, n. 3, 109, n. 1.
[34] Yoma 66b.
[35] Git. 45b.
[36] Abot 2.15.
[37] Cp. also the comments above on Hillel and Shammai.
[38] Ch. XI, sec. 6, 13.
[39] *Ibid.*, n. 95.
[40] *Ibid.*, sec. 18.
[41] The Rabbinic sources are cited in Graetz, "Die jüd. Proselyten," p. 27 f., Hershberg, *HaTekufah,* Vol. 13, p. 200 ff.
[42] Ch. XII, n. 3.
[43] Sanh. 32b, etc.
[44] Ruth R. parashah 6 beg. on 3.8 tells an obscure story about R. Akiba in Rome, which Hershberg, p. 202, n. 2, explains cleverly as a veiled reference to proselytization. "Buying something good in the market" and "catching birds" refer to conversion; the incomprehensible phrase "they terrify man" means that such activity is dangerous. While undeniably ingenious, this is all very doubtful, especially in the absence of a critical text. The interpretation of Prov. 29.25 is surely not part of the story, Hershberg to the contrary notwithstanding. But supposing that H. has correctly solved the mystery and that Akiba tried to make converts while in Rome, this does not prove that he and his teachers had gone there for that purpose alone.
[45] Could the investigation of Judaism by the imperial commissioners (above, Ch. XI, sec. 8) have had anything to do with this? Dr. Mann holds that the delegation went to forestall a proscription by Domitian.
[45a] According to one authority, a decree by Hadrian against circumcision was among the causes of the revolt: the facts are not certain. See Krauss in *JE*, Vol. VI, p. 135.
[46] See above, nn. 6 ff., especially Samter's statement of the case.
[47] Juster, Vol. I, pp. 258, 263 ff.
[48] Sanh. 32b.
[49] Mek. Bahodesh 6 on 20.6.
[50] Ch. XI, sec. 19-23.
[51] Mek. Beshallah 2 on 14.7.
[52] Ch. XI, n. 102.
[53] Ch. IX, n. 25.

[54] Ch. IV, n. 66; Ch. V, nn. 22, 84. It is, of course, not true that Judah would accept an uncircumcised convert: Ch. IV, n. 52. This error is also found in Samter, p. 17.
[55] Ch. V, n. 85.
[56] *Ibid.*, nn. 88 ff.
[57] *Ibid.*, n. 103.
[58] Ch. IX, n. 72.
[59] Cp. also Ch. V, n. 12.
[60] Ch. XI, sec. 16.
[61] Ch. IV, sec. 1.
[62] *Ibid.*, sec. 2, esp. n. 8.
[63] See Ch. II, nn. 16 f. The present work contains a liturgical section, palpably Christian, after the ethical section on "The Two Ways." Supposing the ethical part is of Jewish origin, there may well have been a ritualistic section which originally followed it. When the work was taken over by the Christians, the first part was utilized almost without change, while an entirely new ceremonial treatise was introduced. This theory is completely unsupported by any evidence, but it is more plausible than the supposition that in the pre-Christian period, converts were given no instruction in the halakah.
[64] Ch. XI, n. 13.
[65] Ch. V, n. 22; Ch. XI, sec. 24.
[66] Ch. IX, n. 37.
[67] Ch. XI, sec. 27, 28.
[68] Ch. IV, n. 41.
[69] *APA*, Vol. I, p. 258, n. 3.
[70] Ch. V, nn. 76 f.
[71] *Ibid.*, nn. 167 ff.
[72] Ch. XI, sec. 29.
[73] Ch. IX, n. 28, 42; Ch. X, n. 26.
[74] Ch. IX, n. 55.
[75] *Ibid.*, n. 69.
[76] Ch. IV, n. 8.
[77] See *JE*, Vol. I, p. 36 f.
[78] Ch. V, n. 22; Ch. IX, n. 11; Ch. XI, sec. 31.
[79] Ch. IX, n. 35.
[80] *Ibid.*, n. 7.
[81] Ch. XII, n. 5.
[82] Juster, Vol. I, pp. 260 ff.
[83] *Ibid.*, p. 271.
[84] *Ibid.*, p. 266, n. 2, citing Theodosian Code 16.8.22 (415).
[85] Ch. VII, sec. 3.
[86] Ch. XI, sec. 25.
[87] Ch. VI, nn. 3-7.

[88] Above, nn. 48 f.

[89] Klein is mistaken in saying (p. 244) that prior to the rise of Christianity, the Jewish missionaries were not particularly eager to make formal converts. They sought full proselytes, but welcomed as *metuentes* those who would not go the whole distance. In the later period, greater urgency was used to persuade the *metuentes* to convert formally; and those who remained unwilling were finally dismissed altogether.

[90] Ch. XI, sec. 42.

[91] *Ibid.*, sec. 37, 41, 45.

[91a] See *JQR*, n.s. Vol. XXVIII, pp. 295 ff.

[92] Just what is involved in the ban on the Karduiim is doubtful: R. Ashe favored conversion in general. See Ch. III, n. 26, and below, n. 99.

[93] See Ch. IX, sec. 3. One of the few utterances preserved in Palestinian sources which is less than friendly is a saying by R. Hiyya, who was of Babylonian origin: *ibid.*, n. 67.

[94] Ch. IX, nn. 30, 38; Ch. X, nn. 6, 26, etc. These are all aggadot of Palestinian origin, but this was to be expected. Much of the aggadah in the Babli comes from Palestine, where the great homilists resided; the Babylonian scholars specialized in halakah. But see next n.

[95] Ch. X, sec. 2, 17.

[96] Cp. n. 104, below.

[97] Elbogen, *Der jüdische Gottesdienst*, p. 143.

[98] Ch. III, n. 8.

[99] Ch. IX, n. 18.

[100] Ber. 17b. A similar opinion is expressed, *ibid.*, by R. Judah and R. Joseph regarding the people of Gobaya. R. Aha also lamented the failure of mankind to come and sanctify themselves beneath the wings of the Shekinah: Eccl. R. 8.10.

[101] See, e.g., Lauterbach, "The Attitude of the Jew toward the Non-Jew," *CCAR Yearbook*, Vol. XXXI, pp. 186 ff.

[102] See especially Schechter, *Some Aspects of Rabbinic Theology*, pp. 80 ff.

[103] Ch. V, nn. 43 ff. Ch. IX, n. 52.

[104] See Ch. III, n. 23, where R. Judah—the great friend of the converts—expresses his doubt as to the ceremonial punctiliousness of women in Rekem, where proselytes were numerous.

[105] Ch. IX, sec. 2.

[106] The title "Hindu" attached to the name of one R. Judah was tantamount to calling him "proselyte." See also n. 91a, which plainly indicates that there was no derogatory implication in calling a man "proselyte."

[107] Ch. VI, end.

[108] Ch. XI, sec. 24, 40.
[109] Ch. V, sec. 27.
[110] *Ibid.*, n. 87.
[111] Kid. 76b. On Rabbah b. Abbuha, cp. Ch. XI, sec. 39. Weil understands Maaraba as the name of a city, presumably in Babylonia; but this is surely a mistake.

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